

By Mr. LANGLEY: A bill (H. R. 5370) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5371) granting an increase of pension to Franklin McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5372) for the relief of S. J. Miller; to the Committee on War Claims.

Also, a bill (H. R. 5373) for the relief of the heirs of Drew Gwin; to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 5374) granting a pension to Grant W. Berry; to the Committee on Pensions.

Also, a bill (H. R. 5375) for the relief of O. P. Phillips; to the Committee on War Claims.

By Mr. MAHER: A bill (H. R. 5376) granting an increase of pension to John Flood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5377) granting an increase of pension to Charles L. Konollman; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 5378) providing for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. O'SHAUNESSY: A bill (H. R. 5379) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 5380) granting an increase of pension to William L. Tarbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5381) granting an increase of pension to John D. Traft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5382) granting a pension to Roy Bruner; to the Committee on Pensions.

Also, a bill (H. R. 5383) providing for the presentation of a medal of honor to William M. De Hart; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 5384) granting an increase of pension to Catherine Casler; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Jene B. Morrow, of Louisiana, Mo., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTON: Petition of business men of sundry cities and towns of the fifth congressional district of Nebraska, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of the Pacific Association of Railway Surgeons, favoring creation of a department of public health with an officer in the Cabinet; to the Committee on the Judiciary.

By Mr. DALE: Petitions of Hogan & Son, of New York City; the Buffalo Envelope Co., of Buffalo; and Merrill Bros., of Maspeth, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Rosenblatt, of Brooklyn, N. Y., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Mercantile Trust Co., of St. Louis, Mo., favoring repeal of the clause allowing American ships free tolls through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hilker & Bletsch Co., of St. Louis, Mo., against assessment of a fee for filing protest against assessment of duty by collector of customs; to the Committee on Ways and Means.

By Mr. MAHER: Petition of the Medical Society of the State of New York, favoring removal of the duty on surgical instruments; to the Committee on Ways and Means.

Also, petition of the members of the provision trade of the New York Produce Exchange, protesting against the duty on live stock; to the Committee on Ways and Means.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., protesting against the dissolution of the United States Steel Corporation and subsidiary companies; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of sundry business men of the State of Colorado, favoring change in the interstate-commerce laws compelling concerns selling goods by mail to

contribute their share of funds in the development of the local community; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Memorial of Los Angeles, San Diego, Pasadena, Santa Barbara, Santa Ana, Riverside, Redlands, Long Beach, Alhambra, San Bernardino, Pomona, Santa Monica, Ventura, and Oxnard (Cal.) Branch National Citizens' League and Los Angeles Chamber of Commerce, favoring immediate consideration of currency-reform laws; to the Committee on Banking and Currency.

#### SENATE.

Monday, May 19, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Friday last was read and approved.

GOVERNMENT EXPRESSAGE ON LAND-GRANT RAILROADS (S. DOC. NO. 39).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 15th ultimo, reports received from the Auditor for the State and Other Departments, the Auditor for the Treasury Department, the Auditor for the War Department, the Auditor for the Post Office Department, the Auditor for the Interior Department, and the Auditor for the Navy Department, giving information relative to the payments made out of public moneys to express companies for transportation of property of the United States over lines of railway companies which received grants of land from the Government upon the express condition that such lines shall be and remain a public highway for the use of the Government of the United States, etc., which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of sundry journeymen cigar makers, residents of Chicago, Ill., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

Mr. WEEKS presented a memorial of the Cigar Makers' International Union of America, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Real Estate Exchange of Massachusetts, relative to the administration of the provision in the income-tax clause of the pending tariff bill relating to real estate, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of J. B. Kuntz and Hugo Mayer, of Huntingdon, Pa.; John Garland Pollard, of Richmond, Va.; H. G. McCormick, of Williamsport, Pa.; A. S. Reed, of Wilmington, Del.; Thomas E. Reynolds and M. Nathan, of Johnstown, Pa.; and of George S. Washington and Frank W. Renninger, of Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

Mr. NEWLANDS presented petitions of sundry citizens of Reno, Osceola, Goldfield, Elko, Carson, East Ely, Lovelock, Manhattan, Virginia City, Fallon, Austin, and Winnemucca, all in the State of Nevada, and of sundry citizens of Washington, D. C., praying for the exemption of mutual life insurance companies from the operation of the income-tax provision of the pending tariff bill, which were referred to the Committee on Finance.

Mr. SHEPPARD presented petitions of sundry citizens of Kopperl, Grand View, and Fort Worth, all in the State of Texas, praying for a reduction in the duty on sugar, which were referred to the Committee on Finance.

Mr. HOLLIS presented a petition of sundry citizens of Hanover, N. H., and a petition of sundry citizens of Concord, N. H., praying for the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Inter-oceanic Canals.

Mr. PENROSE presented a memorial of the Chamber of Commerce of Philadelphia, Pa., remonstrating against certain provisions in the sundry civil appropriation bill prohibiting the expenditure of money for the enforcement of the antitrust laws, etc., which was referred to the Committee on Appropriations.

Mr. PERKINS presented a resolution adopted by the Pacific Association of Railway Surgeons, favoring the establishment

of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. JOHNSON of Maine presented a memorial of sundry citizens of the State of Maine, remonstrating against the passage of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a memorial of the selectmen of East Livermore, Me., remonstrating against a reduction in the duty on print paper and pulp, which was referred to the Committee on Finance.

Mr. DILLINGHAM presented petitions of Woman's Christian Temperance Unions of Chelsea, Washington, and Vershire, all in the State of Vermont, praying for the enactment of legislation providing for the closing of the gates of the Panama Canal Exposition on Sundays, which were referred to the Committee on Industrial Expositions.

#### PAPERS IN THE DEPARTMENT OF STATE.

Mr. JONES. I have received a letter from Dr. J. Edward Buckley relative to access being denied to secret papers held by the Department of State and requesting that certain communications and papers which accompany the letter be placed on the files of the State Department. I move that the letter and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. REED, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 73, authorizing the Committee on Naval Affairs to employ an assistant clerk, reported it with amendments.

He also, from the same committee, to which was referred Senate resolution 80, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to hold hearings, etc., reported it without amendment.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, reported it with amendments and submitted a report (No. 42) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 60) to provide for agricultural entry of oil lands, reported it without amendment and submitted a report (No. 43) thereon.

#### THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, Senate resolution 85, authorizing the Committee on Post Offices and Post Roads, or any subcommittee thereof, to hold hearings, and so forth, and I ask unanimous consent for its present consideration.

Mr. GALLINGER and Mr. PENROSE. Let the resolution be read.

The Secretary read the resolution, submitted by Mr. BANKHEAD on the 16th instant, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed \$1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

MRS. A. E. GRANT.

Mr. MARTIN of Virginia. From the Committee on Appropriations, I report back favorably, with an amendment, Senate joint resolution No. 30, and I submit a report (No. 44) thereon. It is a very brief resolution, but a very important one, which, I think, will appeal to every Senator. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Appropriations was, in line 4, after the word "extend," to insert "for a period not exceeding six months," so as to make the joint resolution read:

*Resolved*, etc., That the Commissioners of the District of Columbia be, and they hereby are, authorized to further extend, for a period not exceeding six months, with pay the leave of absence to Mrs. A. E. Grant, a clerk in the office of the assessor of the District of Columbia.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### DEFICIENCY POSTAL APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 80) making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The joint resolution will be read. The Secretary read the joint resolution, as follows:

*Resolved*, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act making appropriations for the service of the Post Office Department, approved August 24, 1912, the following additional sums, being deficiencies for the service of the fiscal year 1913, namely:

For temporary and auxiliary clerks in post offices, \$300,000.  
For substitute, auxiliary, and temporary city delivery carriers, \$300,000.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BRISTOW. Let me inquire why this additional appropriation for clerk hire is necessary? Was not money for this purpose provided in the appropriation act?

Mr. MARTIN of Virginia. It is in connection with the parcel post and covers expenses which were not necessary or estimated for when the regular appropriation bill was passed. The amount appropriated has been exhausted, and this deficiency is an existing one. The law department has decided that it can not be carried as a deficiency, and the proper dispatch of the postal business is being materially interfered with. If the Senator desires it, I will have read a letter from the Postmaster General.

Mr. BRISTOW. I desire to inquire if it really is not due to the legislative provision which requires 8 hours' work to be done in 10 and provides pay for overtime that results in additional clerks being necessary in a great many post offices to do the work which heretofore has been done without hardship to the clerks or carriers?

Mr. MARTIN of Virginia. That is the case to a large extent. Three hundred thousand dollars of this appropriation is intended to meet that exigency. The law limited the work of carriers to eight hours, and they can not in the eight hours do the work.

Mr. BRISTOW. There had been an 8-hour law previously to this; they have been on the 8-hour system all along; but this requires that 8 hours' work shall be performed within 10 hours. I have a number of requests from my own State asking additional help where it had not been needed, because it is now necessary either to employ additional carriers or to let the work go undone. It is not due to any excessive amount of work imposed upon the carriers, but because they could not arrange the 8 hours within 10 so as to make it convenient to do the work. It is the fruits of what appeared to me to be an unwise provision at the time in requiring the carriers and the clerks in many offices, where the trains did not run conveniently, to do their 8 hours' work within the 10 hours. To illustrate, say Monday is a heavy day and Friday will be a light day. Under the old system a carrier might work over half an hour on Monday, and he would be permitted to deduct that from some other day during the week, putting in 48 hours during the week instead of exactly 8 hours each day. The repeal of that provision has necessitated this additional expense even where the burden of the service is no greater now than it was then.

Mr. MARTIN of Virginia. To some extent that may be true.

Mr. BRISTOW. It will in the end aggregate, I am advised, about three and a half million dollars a year.

Mr. MARTIN of Virginia. I think that is correct. That will be the additional expense incurred by the legislation referred to; but the legislation has been enacted; it creates a liability on the Government to carry out the law which has not been appropriated for, and \$600,000 is asked for to cover only two months. It is a deficiency for two months, and it is a deficiency that arises under laws that Congress saw fit to enact.

Mr. BRYAN. Mr. President, I suggest to the chairman of the committee that he ask permission to have incorporated in the Record the letter from the Postmaster General, so that it may be demonstrated, while we are considering this deficiency bill, that the estimate of the Post Office Department for this eight-hour provision in the Post Office appropriation bill of 1913 is approximately correct. It will add about \$1,800,000 a year. In the act for the current year Congress foresaw that by providing as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, \$2,285,000.



And also:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, \$1,000,000.

Of course, not all of that million dollars is because of the provision put into the Post Office appropriation act last year, but we might just as well understand now that the result of the Senate yielding to that House provision will cost the Government \$2,000,000 a year at the lowest estimate. This is only an estimate for less than a third of the year.

Mr. MARTIN of Virginia. For two months.

Mr. BRISTOW. I will inquire of the Senator—

Mr. BRYAN. It will be \$3,600,000, if the estimate is correct for the next nine months, and it is growing. It ought to call to our attention that necessity of changing that provision of the law in line with the amendment offered by the Senator from Kansas [Mr. Bristow], or in line with the amendment which I had the honor to offer, which in effect was that instead of paying the extra money for an hour or two overtime of service we give compensatory time. I understand that the men themselves before the Committee on Post Offices and Post Roads did not claim that they wanted more money for the service, but that they did not want to be required to work overtime. But this provision invites the department to work them overtime, and is an inducement to the men who are to stand for it because they get more pay.

No business man would submit to that kind of thing. It is a very different proposition to say to a man who has to earn his living by manual labor, you shall not be required to work more than eight hours a day, from saying to a clerk in the office that although your employer may find it necessary to stay there beyond that time, if you are required to do so you shall be paid additional, although the day before you might not have been required to work eight hours.

It seems to me that we are following a dangerous precedent. Of course, I understand perfectly that it is the duty of Congress now to make the appropriation, but the fact that here for two months' work we are appropriating \$600,000 of money for a deficiency ought to make Congress stop and consider whether that provision ought not to be repealed.

Mr. BRISTOW. I wish to inquire of the Senator from Florida if it is not a fact that the department did not ask for this provision and suggested the wording of a provision that would have maintained the eight-hour day as perfectly as it is now maintained, which would not have imposed any hardship upon the carriers and that would have avoided this unnecessary deficiency.

Mr. BRYAN. Of course, that is true, Mr. President. The representative of the Post Office Department objected most strenuously to that provision being incorporated into the bill. Nevertheless it was incorporated by the committee, but when it came into the Senate it was stricken out, and it was put back again in conference. The prediction of the Second Assistant Postmaster General is borne out by the necessity for this piece of legislation.

Mr. WEEKS. Mr. President, I should like to say a word on this subject. When the Post Office appropriation bill came to the Senate last winter it was estimated that \$3,000,000 would be required to provide for giving clerks and carriers 8 hours in 10, and the Senate added \$900,000 to an appropriation made by the other House for that purpose. The probabilities are that some part of that money has been needed in providing for the additional expense incurred in carrying on the parcel-post operations, but there was never any doubt in the minds of either the House or Senate Post Office Committees, I think, that substantially \$3,000,000 would be required to pay the clerks and carriers for the additional expense incurred in giving them 8 hours in 10.

The question whether that was justifiable or not is quite another matter. Senators have just said that they thought it was not, and that the provision should be repealed. My judgment is that it was justifiable. Before the enactment of that law very frequently clerks and carriers were required to perform what amounted to 10 or 12 hours of service on account of the difficulty in fixing their routes, so that they were obliged to remain at the post office between the morning and afternoon service. Such investigation as I made of the subject at the time made me come to the conclusion that this provision in the law is justifiable; but, of course, you can not impose an additional obligation of that sort without providing the necessary money to pay for it; and we can not incur the burden of the parcel post without paying for the expense of the service. Senators must expect, in my judgment, that such provisions in the law will require additional appropriations; and this particular additional obligation was provided for in the bill when it was in the Senate, and agreed to in conference.

Mr. BRISTOW. Mr. President, I desire to suggest to the Senator from Massachusetts [Mr. WEEKS] that while I believe there were occasional cases where hardships were imposed upon carriers and clerks in the application of the 8-hour law, that is, 48 hours a week, they were very rare. Occasionally in cities like New York, Boston, or Chicago, the way the law was administered was a hardship, requiring 8 hours to be taken in 12 hours or 14 hours, and in undertaking to correct a few isolated abuses, we have enacted a law which requires the employment of additional clerks and carriers where they never were needed and are not needed to-day. To illustrate: I have in mind now a city in my own State where the heavy mails come in at night. The clerks and carriers are at the office, say, at half past 7 or at 7 o'clock in the morning to distribute the mail that accumulates during the night. The next heavy mail comes in at 3 o'clock in the afternoon. After the first delivery was over the carriers were given two hours in the middle of the day and they would go to their homes to work about their places to do their gardening or any other personal service they might want to do. That was a convenience to the carriers, not a hardship. It was a desirable period for them to have in the middle of the day. Then they would come back in the afternoon and finish their work and serve 8 hours. Now, because of this provision, additional carriers and additional clerks have been required in that office when there is no need for them whatever except for the getting of the 8 hours within the 10 hours or to let the people go without service. Applying this law to thousands of offices imposes upon the Government additional expense without relieving anyone from hardship, because there was little or no hardship and there had been no complaint. It is done in order to relieve some hardship, because of—I will not say maladministration—but unintelligent administration of a few large offices.

Mr. WEEKS. Mr. President, this is not a matter that can be determined at this time, and I do not care to take the time of the Senate, therefore, to discuss it, but I am not in accord with the Senator from Kansas in his expression of opinion that these cases were isolated and that there was really no demand for this law, because I think there were a great number of such cases and there was an active demand for this legislation, both from associations of carriers and clerks engaged in the postal service.

Mr. DILLINGHAM. Mr. President, I have come into the Chamber since this discussion began; but in support of the view expressed by the Senator from Kansas [Mr. Bristow], I will simply add that what he has said of the post offices in Kansas is also true of the post offices and service in Vermont. At the capital of the State, a town of perhaps 10,000 inhabitants, the effect of the imposition of this rule has been such that mail that reaches there at 5 o'clock in the afternoon on Saturday is not delivered at my house until half past 11 o'clock on the following Monday morning, though my house is only 10 minutes' walk from the post office. The night mail that comes into that town at half past 3 in the morning is not distributed in the business section of the town until half past 11 in the forenoon, so that the evening papers from Boston reaching there at half past 3 the next morning are not distributed until half past 11.

I looked into the matter when I was last at home, because the inconvenience there was so great, and the postmaster told me that with the amount of labor he had assigned him under this rule of 8 hours in 10 it was impossible for him to make schedules to meet the demands of the public. I think the complaint has been very general throughout that section of the country.

Mr. MARTIN of Virginia. Mr. President, I ask that the letter from the Postmaster General, which is incorporated with the estimate certified to the Senate by the Secretary of the Treasury, may be printed in the RECORD. I have an unofficial copy of that communication in my hand, but the communication is on the desks of Senators in its official shape. That communication explains very fully the urgency of this appropriation.

The VICE PRESIDENT. In the absence of objection, the paper referred to by the Senator from Virginia will be printed in the RECORD. The Chair hears none, and it is so ordered.

The letters referred to are as follows:

THE PRESIDENT OF THE SENATE.  
TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, May 14, 1913.

THE PRESIDENT OF THE SENATE.

Sir: I have the honor to invite the attention of the Senate to House joint resolution 80, which passed the House of Representatives on the 10th instant, appropriating the sum of \$300,000 for temporary and auxiliary clerks in post offices, and the sum of \$300,000 for substitute, auxiliary, and temporary city delivery carriers, being deficiencies for the service of the Post Office Department for the fiscal year 1913.

In this connection I forward herewith the communication of the Postmaster General to the Secretary of the Treasury, of the 6th instant,

setting forth the immediate needs for these additional funds in order to avoid serious embarrassment to the service of the Post Office Department.

Respectfully,

W. G. McADOO, *Secretary.*

POST OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., May 6, 1913.

HON. WILLIAM G. MCADOO,  
*Secretary of the Treasury.*

Sir: Section 5 of the postal-service act of August 24, 1912, provides—

"That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly."

Section 8 of the same act made provision for the establishment of a general parcel-post service on January 1, 1913.

For the purpose of administering section 5 the estimate for temporary and auxiliary clerk hire submitted by the Post Office Department for the year 1913 was increased \$500,000 and that for auxiliary and temporary carriers \$400,000, but no increase was made in either of these appropriations for administering section 8.

The appropriations for temporary and auxiliary clerk hire and auxiliary and temporary carriers have not been sufficient to carry out the provisions of section 5 and to provide for the parcel-post service and are exhausted. It is estimated that \$300,000 additional will be needed in each of these appropriations to provide for the service during the remainder of this fiscal year.

In the opinion of the Attorney General a deficiency can not be incurred in these appropriations, and to avoid serious embarrassment to the service the department finds it necessary to ask Congress for additional funds to meet the immediate needs of the service.

It is therefore recommended that a joint resolution of Congress embodying the following draft of legislation be passed at the earliest possible date.

"To enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act approved August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000 for temporary and auxiliary clerks in post offices and \$300,000 for substitutes, auxiliary, and temporary city delivery carriers, which shall be immediately available."

Owing to the exigencies of the case, may I ask that this matter receive your prompt attention?

Respectfully,

A. S. BURLERSON,  
*Postmaster General.*

Mr. MARTIN of Virginia. As has been stated by the Senator from Vermont [Mr. DILLINGHAM], this law can not now be executed. Whether it was wisely enacted or not, I need not now discuss; but it is the law of the land, and it can not be executed without additional money. The communication from the Postmaster General which was sent to the Senate with the estimate not only explains the matter fully but makes manifest its extreme urgency. The law officers have decided that it can not be provided for as a deficiency, and the department is without any way of obtaining the money to meet this exigency. About one half of it is due to this provision of the 8-hours-in-10 law and the other half is due to the increased service under the parcel-post system.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Virginia [Mr. MARTIN] as to the urgency of this appropriation, and I apprehend that there will be no objection to its being acted upon immediately.

I want, however, to supplement what the Senator from Vermont [Mr. DILLINGHAM] has said, Mr. President, by calling attention to another change that was made, which I think was absolutely without rhyme or reason, and that is the inhibition of delivering mail on Sunday at the post office when patrons call there for their mail. I never discovered that there was any objection to that; there certainly was not in my own city; and business men were enabled to get their letters by calling for them at the post office, and the clerks were quite willing to perform that duty; yet in our great zeal to change the law, to reduce the hours, and do what had been requested of us by the associations of clerks and carriers we went to the extent of denying the patrons of the office the privilege of going to the post office and getting their mail on Sunday. As a consequence letters which come to the post office on Saturday evening are not delivered until Monday forenoon. I believe that it has been ruled that if a patron hires and pays for a private box his mail will be put into that box; but I sincerely regret that in our great earnestness to make these changes that uncalled for, as I think, change was made in the law. The patrons of the office are denied a privilege which they have always had and which is of very great value, particularly to business men. I do not know that there is any remedy—there is no remedy now, certainly—but I trust that the Committee on Post Offices and Post Roads will give that matter consideration before we are called upon to consider another Post Office appropriation bill.

Mr. BRYAN. Mr. President, since this matter has come up, I believe that I will offer an amendment to the joint resolution, to come in as section 2. I send to the desk and ask the

Secretary to read section 5 of the act approved August 24, 1912, as I have interlined it.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Florida.

The SECRETARY. It is proposed to add at the end of the joint resolution a new section, to be known as section 2, and to read as follows:

SEC. 2. That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours and the schedules of duty of the employees shall be regulated accordingly.

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of 8 hours a day, and for such additional services they shall be allowed compensatory time on one of the six days, Sunday excepted, following the day on which they perform such service.

Mr. BRYAN. Mr. President, it will appear from an examination of the CONGRESSIONAL RECORD of August 13, 1912, that the Senate sent the Post Office appropriation bill to conference with section 5 amended exactly in the words of the proposed amendment I have offered. Of course, the effect of the adoption of this amendment would be to discontinue the policy of paying men for overtime.

A great deal has been said, Mr. President, about the 8-hour day, but the agitation for the 8-hour day has not come about because of overtime work of clerks in offices; the agitation for the 8-hour day came about because men engaged in manual labor were worked beyond their strength. I undertake to say there is not a Senator here who, in his own affairs, would apply or would submit to a provision similar to that. What man in an office would allow his stenographer or clerk to walk out immediately upon the completion of 8 hours work to-day, and if required by him to remain longer? What employer would submit to paying him for overtime to-day when to-morrow he might let him off an hour or two earlier?

We might as well be reasonable about this matter. The men engaged in the work of the post office in offices and as letter carriers seek these positions; they are desirable positions. As I understand, there is hardly any complaint by the letter carriers. Imagine the Government running a post office; it hires clerks in the office to do the necessary work, and it is a remarkable proposition for this Congress to subscribe to, that if a train happens to be half an hour late to-day and necessitates a clerk in the post-office staying a little beyond the ordinary time, the Government is going to pay him additional compensation, when, if on to-morrow the train is on time and the work is finished within less than 8 hours, the Government gets no concession for it.

This amendment was offered because it would correct an abuse by providing that "instead of giving you money we will make good to you the time we make you work beyond the 8 hours to-day by allowing you an equal amount of time off from your work to-morrow or within 6 days," and in order that the postmaster may not impose upon a clerk we except Sundays.

I asked the representatives of the clerks, when they were before the Committee on Post Offices and Post Roads, if this section 5 was put into the bill at their demand because they wanted more money. The fair way to meet that was to investigate and see if they deserved more, and if so, to pay it. They said that they did not ask for more money, but it occurred to them that was the only effective way to insure the fact that they would not be worked beyond 8 hours within 10. Then, this amendment would cure that as effectually as the payment for overtime, and the department, through its Second Assistant Postmaster General, says this way is entirely feasible. If this amendment is adopted, we send back to the House now a provision covering the position taken by the Senate and abandoned by the conference committee, but insisted upon by the Senate over the recommendation of the Committee on Post Offices and Post Roads at the last session of Congress, and call the attention of the country again to the fact that we are spending uselessly here, under the guise of protecting these men from working more than 8 hours a day, \$3,000,000 a year.

Why, Mr. President, how many bookkeepers will it take simply to find out how many minutes a day each clerk works over 8 hours and to send all that up here to the Postmaster General? It would be a very simple matter for the postmaster to write down if a clerk has worked overtime to-day and allow him compensatory time to-morrow, but if all these records of overtime are to be sent to the department and thrashed out—in the first place, it would require an army of clerks to do the work; and, in the next place, we would be simply inviting the men not to finish the work within 8 hours. It becomes not a question of principle that men shall not be worked beyond



8 hours a day, but it becomes a question of mere hire and salary for the money there is in it. That is all there is to the proposition as finally agreed to in conference.

I proposed at the time the bill was here the inclusion of the provision that was finally agreed upon, and the Senate on a yea-and-nay vote decided they would not pay for overtime, but would allow compensatory time within six days. The bill went to conference in the closing days of the session, and the House provision was restored. Here we have an opportunity to state again the position taken by the Senate—the sensible and right position to maintain.

Mr. OWEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. BRYAN. Certainly.

Mr. OWEN. I should like to suggest to the Senator from Florida, before he takes his seat, if it would not be practicable to put an amendment onto this provision appropriating this money, so that in the future the system of compensatory time will be established in lieu of money?

Mr. BRYAN. That is exactly what my amendment proposes.

Mr. OWEN. I have not heard the amendment.

Mr. BRYAN. I offered an amendment to be known as section 2, which was section 5 of the bill as passed by the Senate at the last session.

Mr. WEEKS. Mr. President, it does not seem to me that the amendment offered by the Senator from Florida should prevail. This is a matter which has been considered by the Senate and the House, by the committees of the House and of the Senate for many years. I think the Senator is mistaken in his statement that in the last Congress a majority of the Senate Committee on Post Offices and Post Roads were opposed to that provision of the law as it now stands. I have here a memorandum, made by the chairman of the Post Office Committee, to the effect that a majority of the committee approved of the action of the House, but that a minority of the committee were opposed to reporting the bill without putting in a provision for compensatory time instead of money. Therefore not only the Senate Post Office Committee, but the Senate itself, were in favor of the law as it now stands.

As this question has been considered in both the Senate and the House many times, and as the law has been in operation for only two months, and as it was understood at the time the bill became a law that this additional appropriation of \$3,000,000 would be required in order to carry out its provisions, it seems to me this is a most inopportune time to reverse a policy which is being tried, and which has not been tried a sufficiently long time to warrant changing it in any way.

I therefore hope the amendment will not prevail.

Mr. BRYAN. Mr. President, I should like to ask the Senator from Massachusetts a question. It has been tried sufficiently long, has it not, to demonstrate that we will have to appropriate over \$3,000,000 a year because of it?

Mr. WEEKS. Mr. President, it was fully understood at the time the provision was adopted that \$3,000,000 additional would be required; and the Senate itself added to the bill \$900,000 to provide for that additional necessity between the 4th of March and the 1st of July of this year.

Mr. BRYAN. Does the Senator think, however, that the Senate ought to take its own judgment or the judgment of the committee, the Senate at the last session having refused to take the report of the committee, and having, on a record vote, declared itself in favor of the identical proposition now sent to the desk?

Mr. WEEKS. I do not think it is necessary that this Senate should take either the judgment of the committee of the last Senate or the judgment of the last Senate itself. I do think, however, that when a change of policy of this kind is involved, all the information obtainable should be in the possession of the Senate before any action is taken, and I submit there is no information before us at this time as to the working of this system.

Mr. MARTIN of Virginia. Mr. President, the amendment proposed by the Senator from Florida undertakes to reopen a question which engendered a sharp conflict between the two Houses, and which was adjusted only last March. The present proposition is to reopen that conflict by undertaking general legislation on an urgent deficiency appropriation bill. If this law, which was enacted last March, needs to be reviewed, it should be reviewed after careful consideration, which can be had at the next regular session. I think it would be unfortunate to undertake matters of that sort on an urgent deficiency bill, and as it is plainly general legislation I make the point of order against it.

The VICE PRESIDENT. The Chair sustains the point of order.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SWANSON. I ask unanimous consent to call up Senate bill 1620.

Mr. CHAMBERLAIN. The regular order.

Mr. GALLINGER. Let us have the morning business first.

The VICE PRESIDENT. There being objection, reports of committees are still in order.

#### HEARINGS BEFORE THE COMMITTEE ON WOMAN SUFFRAGE.

Mr. SHAFROTH. I report back from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, Senate resolution 55, and I ask that it may be considered immediately.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent for the immediate consideration of the resolution.

Mr. CLARK of Wyoming. Let it be read for information.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, submitted by Mr. THOMAS on the 17th of April, as follows:

*Resolved*, That the Committee on Woman Suffrage, or any subcommittee thereof, be, and hereby is, authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate, and that the said committee, or any subcommittee thereof, may sit during the sessions of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 4, after the words "employ a stenographer," to insert the words "at a cost not to exceed \$1 a printed page."

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. OWEN. I desire to call up Senate resolution 66, a like resolution, which is on the calendar.

Mr. GALLINGER. I object. Let us complete morning business.

The VICE PRESIDENT. There being objection, the regular order is reports of committees. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

#### PANAMA-CALIFORNIA EXPOSITION.

Mr. WORKS. From the Committee on Industrial Expositions, I report back favorably, without amendment, House bill 4234, and I submit a report (No. 45) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Senator from California asks unanimous consent for the present consideration of a bill reported by him. Is there objection?

Mr. GALLINGER. Let the bill be read for the information of the Senate.

Mr. LODGE. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted*, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to require the Panama-California Exposition Co., of San Diego, Cal., to deposit with a depository, to be named by the Secretary of the Treasury, such sum or sums of money as in the discretion of the Secretary shall be necessary to cover awards, medals, certificates, prizes, and premiums, and all other obligations incurred by said corporation with exhibitors at the Panama-California Exposition, which money shall be held by said depository as a pledge to the United States Government for a faithful fulfillment of the above obligations; or the Secretary of the Treasury may, in lieu of such cash pledge, accept a good and sufficient bond from said exposition company, to be approved by him and conditioned for the faithful performance of every liability or obligation incurred by said exposition company in respect to exhibitors at said exposition, to be held in San Diego, Cal., during the year 1915.

SEC. 2. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Panama-California Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the last proviso read again. I did not catch the full meaning of it.

The Secretary again read section 2 of the bill.

Mr. SMOOT. Mr. President, the latter part of the proviso is hardly the usual one, but I will not object to it at this time. There is a chance of valuing goods after being handled at the fair at such a low price that it would virtually be allowing the goods to free entry.

Mr. WORKS. Mr. President, I have understood that this bill is in the exact form that has been adopted on other occasions. Is not that the case?

Mr. SMOOT. I think so, Mr. President, with the exception of the last part of section 2. As I said, however, I shall not object even to that.

Mr. PENROSE. Mr. President, will the Senator from California permit me to ask him a question?

Mr. WORKS. Certainly.

Mr. PENROSE. This is a bill which might have been referred with propriety to the Finance Committee, I suppose; but that is immaterial. I should like to ask the Senator from California whether it has been referred to the Treasury Department, and whether it has been favorably reported on by that department?

Mr. WORKS. There has been no reference of it to the Treasury Department, for it involves no liability whatever on the part of the Government, either in the way of money or in the way of responsibility.

Mr. PENROSE. I do not think we ought to pass a bill like this without its being referred to the Secretary of the Treasury.

Mr. SMITH of Michigan. Why not?

Mr. PENROSE. Because it permits the bringing in of articles which are exempted from customs duties.

Mr. SMITH of Michigan. Only for exposition purposes.

Mr. PENROSE. I know that; but I want to see that abuses are not possible under it. I do not want to delay the bill, however. Is there any haste about it?

Mr. WORKS. Yes; there is. It is in exactly the form that has been uniformly adopted. There seems to be no reason why it should be referred to the Secretary of the Treasury. I hope the Senator will not delay it on that account.

Mr. PENROSE. I will not persist, Mr. President; but in my opinion it certainly should have been referred to the Treasury officials for their examination and report.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHIVELY. Mr. President, I ask that the first section of the bill may be again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary again read section 1 of the bill.

Mr. SHIVELY. May I inquire of the Senator from California whether this is the usual form which has been observed on the occasion of former expositions?

Mr. WORKS. As I understand, it is precisely the same.

Mr. PENROSE. The only difference is that every similar proposition has been referred to the Finance Committee, and examined by that committee and reported. This has been referred to a committee that is not supposed to have any familiarity with the laws involved.

Mr. WORKS. On the contrary, Mr. President, it was referred to the committee that had these matters directly in hand.

Mr. PENROSE. Yes; exposition matters, but not internal-revenue and customs matters.

Mr. WORKS. This bill does not involve an expenditure of money, and therefore it was not thought necessary to send it to the Finance Committee.

Mr. PENROSE. The Finance Committee has nothing to do with the expenditure of money. It has, however, everything to do with internal-revenue and customs matters.

Mr. WORKS. I may say that this matter is very thoroughly understood by the Secretary of the Treasury, and it was thought entirely unnecessary to make any reference of it to him.

Mr. PENROSE. I want to say now that I can see, in reading the bill, considerable opportunity for defrauding the Government.

Mr. WORKS. The Senator can see a long way, then, and can see something that others would not be able to see. I will say to the Senator that it is precisely the same form of bill that has been enacted in other cases. There has been no change made in it.

Mr. PENROSE. We have no evidence of that.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4234) providing certain legislation for the Panama-California Exposition, to be held in San Diego, Cal., during the year 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2200) granting the First-Second National Bank of Pittsburgh, Pa., the right to use the original charter number, 48, of the First National Bank of Pittsburgh, Pa. (with accompanying paper).

The VICE PRESIDENT. The bill will be referred to the Committee on Banking and Currency.

Mr. PENROSE. A similar bill was introduced by me before and it was referred to the Committee on Finance. However, I am not particular as to what committee it goes.

The VICE PRESIDENT. The Chair will state that the Finance Committee having been divided and there being a subdivision on Banking and Currency, the Chair rules that the bill should go to the latter committee.

Mr. PENROSE. Very well.

By Mr. PENROSE:

A bill (S. 2201) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison reformatory.

Mr. BRANDEGEE. The bill, I think, should go to the Committee on the Judiciary. A similar bill was before that committee at the last session.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

By Mr. PENROSE:

A bill (S. 2202) for the preparation of a plan and the erection of a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade; to the Committee on the Library.

A bill (S. 2203) to provide for the retirement of employees in the civil service; to the Committee on Civil Service and Retrenchment.

(By request.) A bill (S. 2204) for the relief of Sylvester Bonaffon, jr.; to the Committee on Claims.

A bill (S. 2205) for the relief of Samuel Fogle;

A bill (S. 2206) for the relief of Jacob Swartz; and

A bill (S. 2207) for the relief of Charles Mace; to the Committee on Military Affairs.

A bill (S. 2208) granting an increase of pension to Emma L. Moore;

A bill (S. 2209) granting a pension to Bernard Closkey;

A bill (S. 2210) granting an increase of pension to John S. McGinness;

A bill (S. 2211) granting an increase of pension to William Axe;

A bill (S. 2212) granting a pension to Emma A. Davis;

A bill (S. 2213) granting a pension to Sarah Wood;

A bill (S. 2214) granting a pension to Annie R. North (with accompanying paper);

A bill (S. 2215) granting a pension to Susan A. Graden;

A bill (S. 2216) granting an increase of pension to Philip Mehring; and

A bill (S. 2217) granting an increase of pension to Aaron Morton (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 2218) for the relief of Sylvester P. Hill (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2219) granting an increase of pension to John D. McRae; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2220) for the relief of Joseph A. Mower and others; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 2221) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 2222) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the



Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 2223) to create the Crater Lake National Park revenue fund; to the Committee on Public Lands.

A bill (S. 2224) to amend section 4400 of the Revised Statutes of the United States; to the Committee on Commerce.

A bill (S. 2225) to appoint Col. William F. Stewart, United States Army, retired, to the rank of brigadier general on the retired list of the Army; to the Committee on Military Affairs.

A bill (S. 2226) for the relief of Joel J. Parker; to the Committee on Claims.

A bill (S. 2227) granting an increase of pension to Francis M. Good (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 2228) for the relief of Thomas B. Lawrence;

A bill (S. 2229) for the relief of the heirs of Parks D. Brittain, deceased; and

A bill (S. 2230) to carry into effect the findings of the Court of Claims in the claim of George E. Johnson, administrator of the estate of Leo L. Johnson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A bill (S. 2231) granting an increase of pension to Mary Pritchard (with accompanying paper); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2232) to amend the act approved June 25, 1910, authorizing a postal savings system; to the Committee on Post Offices and Post Roads.

By Mr. LIPPITT:

A bill (S. 2233) referring the claim of the State of Rhode Island to the Court of Claims for adjudication; to the Committee on Claims.

A bill (S. 2234) granting an increase of pension to Abby F. Eldred;

A bill (S. 2235) granting an increase of pension to Eleanor Briggs;

A bill (S. 2236) granting an increase of pension to Gilbert A. Irons;

A bill (S. 2237) granting an increase of pension to Stephen A. Barker;

A bill (S. 2238) granting an increase of pension to Thomas Corcoran;

A bill (S. 2239) granting an increase of pension to Mary A. Sweet; and

A bill (S. 2240) granting an increase of pension to Martha Makee; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2241) granting a pension to Eliza F. Andrews; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization; to the Committee on Privileges and Elections.

By Mr. THORNTON:

A bill (S. 2243) for the relief of David D. Johnson and others; to the Committee on Claims.

By Mr. NEWLANDS:

A bill (S. 2244) to amend sections 680 and 686 of the Code of Law for the District of Columbia; and

A bill (S. 2245) for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on the District of Columbia.

A bill (S. 2246) for the relief of John Glanzmann and others (with accompanying paper); to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 2247) granting an increase of pension to Albert Bennett;

A bill (S. 2248) granting an increase of pension to John C. Clark; and

A bill (S. 2249) granting an increase of pension to Emma S. Gere; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2250) for the retirement of Henry R. Drake, captain, Philippine Scouts; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2251) granting an increase of pension to G. W. Boring; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2252) for the relief of the heirs of Dennis C. Snook; to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 2253) for the relief of Joseph N. G. Whistler and others; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code; to the Committee on the Judiciary.

By Mr. OLIVER:

A joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; to the Committee on Military Affairs.

DRY FARMING CONGRESS, TULSA, OKLA.

Mr. OWEN. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 35) authorizing the Secretary of State to issue invitations to other nations to send representatives to the International Dry Farming Congress to be held at Tulsa, Okla., in October, 1913, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That the Secretary of State is hereby authorized to issue invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress to be held at Tulsa, Okla., during October, 1913.

Mr. OWEN. If there is no objection, I should be glad to have the joint resolution considered now.

Mr. GALLINGER. I must object to that. Let the joint resolution go to a committee.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. OWEN. I ask to put in the RECORD a telegram from the authorities at Tulsa showing the urgency of this matter. I will not take the time to read it.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TULSA, OKLA., May 18, 1913.

Hon. ROBERT L. OWEN,

United States Senator, Washington, D. C.:

Correspondence thus far exchanged between International Dry Farming Congress and Department of State having indicated department can not officially and formally send forward international invitations to all nations to officially participate in International Dry Farming Congress, Tulsa, Okla., October 22-November 1, this year, unless by special authority of Congress, you are hereby earnestly and urgently requested jointly by officers of International Dry Farming Congress, Tulsa Commercial Club, and Oklahoma Board Control to secure passage, if possible, within next 48 hours of concurrent resolution in the House and Senate. All Members Oklahoma delegation being asked to cooperate with you in securing authority for honorable Secretary of State to issue through his department official invitations already engrossed, and which will be forwarded upon telegraphic request for same, ready for formal distribution. Invitations as engraved and engrossed request all nations to appoint delegates with powers ad referendum, and concurrent resolution should confer power on Department of State to accompany said invitations with formal letter signed either by His Excellency the President of the United States or the honorable Secretary of State, conveying to nations invited knowledge that United States Government indorses that congress and has shown indorsement by appropriation for Federal exhibit here. We base this urgent request upon the following: First, time is important element, and unless invitations are in hands of foreign Governments within 15 days, effect of loss in attendance will be serious. Second, this same organization met in Canada last year and similar official formal invitations properly engrossed were forwarded to all nations by the Dominion of Canada by authority of order of Privy Council and carrying the formal royal signature of His Royal Highness the Duke of Connaught. Seventeen nations accepted these invitations and sent official delegates. We believe the importance of this great educational propaganda to the people of the United States and to the world at large demands that the same courtesy as extended by the Canadian Dominion Government should be extended by the Government of the United States and can be extended without establishing an undesirable precedent. Third, we are fully assured that appropriations have already been made by the Governments of Russia and China for the collection and transportation of exhibits representing these Governments in the international exposition here, and unofficial exhibits are being arranged for by the international officers of the congress in several nations. Canada has already asked for a large amount of space, and the agricultural societies of Spain and Mexico have secured indorsement of plans for exhibits from those countries. Diplomatic representatives of several nations in Washington have already addressed this office requesting information as to the matter of official invitations and the delay of same, and we believe proper recognition of this matter in behalf of enlargement of agricultural education will result in assembling here the greatest international agricultural conference ever held. Brief telegrams are forwarded this day to all other Members Oklahoma delegation, to Senators WARREN, SMOOT, DIXON, SHAFROTH, NEWLANDS, POINDEXTER, PAGE, BRADY, Representatives MONDELL and MURDOCK, asking them to cooperate in securing passage of above-requested resolution. Your kind offices in securing quick consideration special enactment and completing necessary organization in this connection will be appreciated. Please send copy of this message to all above named, submitting item expense extra stenographic work to us.

JOHN T. BURNS,

Executive Secretary International Dry Farming Congress.

C. A. SANDERSON,

Secretary Commercial Club.

O. D. HUNT,

Chairman Board of Control.

## AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GORE submitted an amendment proposing to increase the salary of the Commissioner of Indian Affairs from \$5,000 to \$7,500 per annum, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

## THE TARIFF.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. KENYON submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

## CHILOCCO CREEK BRIDGE.

Mr. BRISTOW. On the 21st of April I submitted an amendment proposing to appropriate \$800 to be expended in the building of a bridge across Chilocco Creek where same intercepts the State line of Kansas and the Chilocco Indian Reservation in Oklahoma intended to be proposed by me to the sundry civil appropriation bill, and at my suggestion it was referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the further consideration of the amendment.

The motion was agreed to.

Mr. BRISTOW. I again submit the amendment, which I intend to propose to the Indian appropriation bill, and ask that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Indian Affairs.

## HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN submitted the following resolution (S. Res. 86), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Naval Affairs, or any subcommittee thereof, be authorized during the Sixty-third Congress to subpoena witnesses, send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

## THE TARIFF.

Mr. BRISTOW. I desire to ask the Committee on Finance, which has the tariff bill under consideration, to send out these two questions, in addition to those suggested by the Senator from Wisconsin [Mr. LA FOLLETTE]. I do not see the chairman of the committee here, but I see members of the committee present. I will read the questions:

First. What is the cost of raw material per unit of production in this country?

Second. What is the cost of raw material per unit of production in competing foreign countries?

I think these two questions ought to be added to those submitted by the Senator from Wisconsin, and I would be glad if they would be given consideration by the committee in connection with the subject.

Mr. POMERENE. I desire to ask the Senator from Kansas a question. I take it it is intended by those questions that they shall apply to the unit of production in each particular man's industry.

Mr. BRISTOW. Certainly. The questions are to be sent, I understand, to parties in interest, and this is information which I did not feel was perfectly covered. I think we ought to have what information the parties may have in regard to it.

## PANAMA-CALIFORNIA EXPOSITION.

Mr. SMOOT. For the purpose of offering an amendment to the bill (H. R. 4234) providing certain legislation for the Panama-California Exposition to be held in San Diego, Cal., during the year 1915, I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. SWANSON. I should like to ask the Senator from Utah whether that would take much time or not?

Mr. SMOOT. I do not think that it will take more than a couple of minutes.

Mr. CHAMBERLAIN. What is the purpose?

Mr. SMOOT. I will state to the Senator that since the passage of the bill I have looked up the Pan-American Exposition act and also the so-called St. Louis Exposition act and others, and I find that a clause is not in the resolution or bill passed for any of the exposition acts I have examined similar to the latter part of section 2 of the House bill. Beginning on page 3, after the word "withdrawal," these words occur:

And on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

In looking up the other acts I find that those words were not included in them. I think it is a very dangerous provision in the bill, and I simply want to make a motion to strike out those words, so that the exemption clause will be in accord with the exemption clause of the St. Louis, the Pan-American, and other exposition acts.

Mr. OWEN. Does the Senator mean that in case these articles are found to have deteriorated, that fact having been shown, it shall not be taken into account in assessing the duty?

Mr. SMOOT. It has not been taken into account in the past, and I think that if this were allowed there would be untold disputes, and it would lead to a great deal of confusion. There has been no trouble whatever under the past exposition acts. This provision has not been used, and I think it should not be in the law to-day.

Mr. WORKS. Mr. President, this bill came over from the House. It is a House bill. I was informed that the bill had been drawn exactly as it had been provided in other bills of a like kind. I think likely the Senator from Utah will find that to be true with respect to some of the later exposition acts. It seems to me to be a very just provision.

However, I am not going to insist upon it, so far as I am concerned. I do not think it is a matter of grave importance to the exposition itself, but I think it is a just provision with respect to the exhibitors, and that there ought to be made some allowance for the wear and tear of the goods which come in under the provision of the law. But, as I said, it is a matter that I am not disposed to insist upon.

Mr. OWEN. I will have to object.

Mr. SMOOT. I think the legislation for the Alaska-Yukon Exposition did have this or a similar provision, but the reason given for that was on account of the exceedingly long distance and the poor accommodations for handling the goods. That, as I remember, was the reason why the clause was included in that act.

Mr. WORKS. In the present case Japan and China have already provided for an exhibit at this exposition; they have to bring their goods a long distance, and if that is a reason for making a provision like this—

Mr. SMOOT. Of course, they have better transportation from the interior than there is in Alaska, and I have not heard any complaint from Japan, from China, or from any other country against the provisions of laws as they have previously been passed. Therefore I think that this bill should conform to the laws passed in reference to the St. Louis and to other exhibitions in this particular.

Mr. OWEN. Mr. President, I object to the reconsideration of the matter.

Mr. SMOOT. Mr. President, I move the reconsideration. If the Senate does not desire to reconsider it, well and good.

Mr. OWEN. Regular order!

Mr. SMOOT. The regular order, as I understand, is my motion that the Senate reconsider the vote by which House bill 4234 was passed.

Mr. OWEN. Morning business being over, I think the regular order is the calendar.

Mr. SMOOT and Mr. GALLINGER. Oh, no.

Mr. SWANSON. Let the motion go over.

Mr. WORKS. I think it ought not to go over, the bill having been acted upon.

Mr. SWANSON. It can go over until to-morrow.

Mr. CHAMBERLAIN. Mr. President, it does not seem to me that the Senate ought to feel bound to change this bill to conform to some former precedent. We who are now in this body are just as capable of legislating as the Senate has been capable of legislating in times past. Moreover, conditions may have changed which make necessary modifications of the former law. Besides that, it seems an extremely just provision to have at the end of the bill, because I can conceive of cases where such depreciation has taken place in the exhibits that they might not sell for enough to pay the duties. This would safeguard that in case there was such a depreciation. It seems to me that,



inasmuch as the bill has passed, surely no serious damage can be done to the Government and that it ought to stand as it is.

Mr. SMOOT. Mr. President, the purpose of bringing such goods into this country is to exhibit them with a view, of course, of the American people becoming acquainted with what those countries manufacture and perhaps becoming future customers for those particular goods.

Mr. OWEN. Does the Senator from Utah desire to discourage that by imposing a harsh condition?

Mr. SMOOT. I have no desire whatever to do such a thing; but I do believe that when such goods come into this country they should pay whatever rate of duty is imposed upon similar goods at the time they enter the country.

Mr. SMITH of Arizona. These goods are for exhibition purposes while the others are for sale. There is quite a difference.

Mr. SMOOT. If these goods are not sold, they do not pay any duty.

Mr. SMITH of Arizona. They may or may not be sold.

Mr. SMOOT. If they are returned to the country from whence they came, they do not pay a cent of duty to the Government of the United States; but, if they are sold, they should have no advantage over goods that come into this country directly for sale. It is a question, of course, for the Senate to decide.

The VICE PRESIDENT. The question before the Senate is, Shall the Senate reconsider the vote by which House bill 4234 was passed?

The question being put, there were, on a division—ayes 9, noes 30; no quorum voting.

Mr. SMOOT. Mr. President, I notice there is no quorum present.

Mr. GALLINGER. I suggest that the roll be called, no quorum being present.

Mr. PENROSE. I raise the point that there is no quorum, and that the roll should be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Smith, Mich.
Bacon	Jackson	Owen	Smoot
Borah	James	Page	Stephenson
Brady	Johnson, Me.	Penrose	Sterling
Brandeggee	Johnston, Ala.	Perkins	Stone
Bryan	Jones	Pittman	Sutherland
Burton	Kenyon	Pomeroy	Swanson
Cañon	Kern	Ransdell	Thomas
Chamberlain	La Follette	Reed	Thompson
Chilton	Lane	Root	Thornton
Clapp	Lea	Shafroth	Tillman
Clark, Wyo.	Lippitt	Sheppard	Townsend
Clarke, Ark.	McLean	Sherman	Vardaman
Dillingham	Martin, Va.	Shively	Walsh
Fail	Martine, N. J.	Simmons	Williams
Gallinger	Nelson	Smith, Ariz.	Works
Goff	Norris	Smith, Ga.	
Hitchcock	O'Gorman	Smith, Md.	

The VICE PRESIDENT. Seventy Senators have answered to their names. There is a quorum of the Senate present.

Mr. SMOOT. Mr. President, I have recorded my objections to the provision, and I really think that it ought to go out of the bill. In view of the fact, however, that there are other matters to be discussed to-day, I ask unanimous consent to withdraw my motion for reconsideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill stands passed.

#### INVESTIGATION BY FINANCE COMMITTEE.

Mr. PENROSE. I offer a resolution for which I ask present consideration.

The VICE PRESIDENT. The Senator from Pennsylvania offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 87), as follows:

*Resolved*, That the chairman of the Finance Committee be requested to report to the Senate a full list of all manufacturers, corporations, importers, and other persons who have appeared before the majority members of the Finance Committee or any subcommittee thereof for hearing or conference relative to House bill No. 3321.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the resolution submitted by him.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

Mr. PENROSE. I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 88), as follows:

*Resolved*, That 2,000 copies of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified by the Senator from

Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] that H. R. 3321 be referred to the Committee on Finance be printed for the use of the Senate.

Mr. PENROSE. That refers, Mr. President, to the series of questions which the Senator from Wisconsin [Mr. LA FOLLETTE] suggested should be asked to those appearing before the Finance Committee. There are a great many demands for copies of them, and I thought that about 2,000 copies might be useful. The cost will be trifling.

Mr. SHIVELY. I hope the resolution may be adopted.

Mr. BURTON. Mr. President, I desire to state that the Senator from Kansas [Mr. Bristow] suggested two other questions this morning, which ought to be included with the others.

Mr. PENROSE. I will accept the suggestion of the Senator from Ohio and modify my resolution accordingly.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the resolution? The Chair hears none.

Mr. SIMMONS. Mr. President, I desire to inquire what is before the Senate?

The VICE PRESIDENT. The Senator from Pennsylvania [Mr. PENROSE] has offered a resolution providing for the printing of 2,000 copies of the amendment proposed by him as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion made by the Senator from North Carolina [Mr. SIMMONS], to refer House bill 3321 to the Committee on Finance of the Senate, together with two additional questions suggested by the Senator from Kansas [Mr. Bristow] this morning.

Mr. GALLINGER. Mr. President, as I remember, the Senate did not take action on the questions suggested by the Senator from Kansas. They ought to appear in print, therefore, as questions suggested by that Senator.

The VICE PRESIDENT. In the absence of objection, the Secretary will correct the resolution so as to conform to the suggestion of the Senator from New Hampshire; and it will be read as so modified.

The Secretary read as follows:

*Resolved*, That 2,000 copies of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] that House bill 3321 be referred to the Committee on Finance, be printed for the use of the Senate, together with the two questions suggested as appropriate to be asked of manufacturers by the Senator from Kansas [Mr. Bristow] at to-day's session (May 19, 1913).

Mr. SHIVELY. Mr. President, as I understand, this resolution merely comprehends that the series of questions suggested by the Senator from Wisconsin be printed.

Mr. PENROSE. That is all.

Mr. SHIVELY. Has there been any amendment adopted?

Mr. PENROSE. No; the Senate voted down the amendment; but there is a very large demand from the manufacturers of the country for copies of the questions.

Mr. SHIVELY. But did I understand the Senator from New Hampshire to offer an amendment to the resolution which the Senator from Pennsylvania has proposed?

Mr. GALLINGER. If the Senator will permit me, the Senator from Kansas [Mr. Bristow] suggested two other questions; and my suggestion was that they should appear as "suggested questions," not having been acted upon by the Senate.

Mr. SHIVELY. There were 16 questions originally proposed, and the request now is that 2 other questions be added to that list.

Mr. GALLINGER. Two more questions.

Mr. SHIVELY. May the proposed two additional questions be stated?

The VICE PRESIDENT. The Chair is informed that the Secretary has not at the desk at this time the two questions proposed by the Senator from Kansas.

Mr. SIMMONS. Mr. President, I stated in the open Senate when the amendment of the Senator from Pennsylvania [Mr. PENROSE] as amended on motion of the Senator from Wisconsin [Mr. LA FOLLETTE] was pending that I proposed to call a meeting of the full Finance Committee for the purpose of considering whether those questions should be mailed by the committee to manufacturers and other persons in interest with the request that they should be answered under oath. On Friday last I suggested to the ranking member of the minority of the committee then present, the Senator from Pennsylvania [Mr. PENROSE] being absent, that we might have a meeting of the committee this morning for the purpose of taking the matter under consideration. It was suggested, as the Senator from Pennsylvania was absent and might not be back in time this morning for a meeting, that action be postponed on the matter. On that account I have postponed action.

Mr. PENROSE. Mr. President, if the Senator will permit me, I only want these copies of the questions printed in order that they may be sent to a large number of persons who desire them.

Mr. SIMMONS. Mr. President, I think the committee can act upon that matter at its meeting to-morrow, and can send these questions out if it is so ordered, and can give them to the press. I do not see any reason why the Senate should authorize at this stage the printing of a proposed amendment that has been acted upon by the Senate and acted upon adversely. I think the Senator from Pennsylvania might very well await the meeting of the committee to-morrow, and then we will formulate such rules as may seem fair and proper in order that these questions may reach manufacturers, and that those to whom they are mailed may have notice that the committee will be glad to have them answer the questions.

My own idea, in reference to this matter, Mr. President, was that—and I so explained on Friday last when the Senator from Pennsylvania was not here, I believe—that I had no doubt the committee would be glad to send these questions and such other questions as the committee may see fit to add to them, to every manufacturer who has filed a brief or to every person in interest who has filed a brief asking for an increase or a reduction of the tariff rate; and, in addition to that—

Mr. PENROSE. Mr. President—

Mr. SIMMONS. If the Senator will permit me, in addition to that, it has been my idea that the committee might hand those questions to the press and state that the committee would be glad to have any manufacturer or any party in interest in the United States send sworn answers to the questions. I do not think the committee ought to be confined, or will be confined, to these particular questions, because there has been no action of the Senate directing the committee with reference to them. I think that the bulk of these questions ought to be asked, and that certain additional questions deemed necessary to elicit further important information ought to be added, and I myself propose to-day, Mr. President, to frame some additional questions. I have received from the Senator from Kansas [Mr. Baisrow], who I see is not now in his seat, two additional questions which he suggests should be propounded. I suggest to the Senator that the matter can rest until the committee has acted.

Mr. PENROSE. I desire to have the questions proposed by the Senator from Kansas printed with that list. I have offered the resolution providing for this printing—which I think will cost the Government about \$25—for my own convenience and that of other minority members of this body. I received in my mail this morning, I suppose, 200 letters from manufacturers, asking me for copies of the La Follette amendment. Regardless of what the Finance Committee does in the way of framing additional questions or of holding informal hearings, it seems to me a reasonable request for the minority to have printed 2,000 copies, at an expense of \$25 or less, for their own use and convenience and for the information of their constituents.

Mr. SIMMONS. Mr. President, when the committee has decided what questions it desires to propound, I think it will be abundant time to publish the questions that are to be asked. The Senator does not know whether these questions or some other questions are to be asked, whether these are all the questions that are to be asked, or whether there are more questions than will be asked. After the committee has met and decided what questions it desires and proposes to ask in order to elicit information, I think it will be entirely proper to publish those questions as a Senate document, if the Senator wishes, although I propose giving them to the press instead.

Mr. TOWNSEND. Will the Senator from Pennsylvania yield to me for a moment?

Mr. PENROSE. I will.

Mr. SIMMONS. The Senator from Pennsylvania will see how easily a state of confusion might be created if these questions were sent out at this time.

Mr. PENROSE. I can not see how there would be. It is the simplest possible thing.

Mr. SIMMONS. There has been no action taken on the part of the Senate directing these questions to be propounded. On the contrary, the action of the Senate has been adverse to that course.

Mr. TOWNSEND. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. Just one minute, if the Senator pleases. If these questions are sent out, and the Finance Committee should decide to ask a different set of questions, it is easily to be seen that the manufacturers might get into a state of confusion as to the kind of questions that we desired them to answer.

Mr. TOWNSEND. If the Senator will yield—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I do.

Mr. TOWNSEND. As I understand, the Senator from Pennsylvania has asked to have printed and sent out, as Senators may desire to send them out, copies of a matter which was actually pending in the Senate. Here was a proposition submitted to the Senate, and it was considered. It seems to me the people of the country who are asking for this thing have a right to know what the Senate did. It does not interfere with anything further that the Finance Committee may desire to do. It is simply a request on the part of one Senator that he may be able to send out to his constituents, and I to my constituents, if I desire, the amendment which was offered by the minority side and voted upon here in the Senate. That is all that is asked for now—that this information be sent out.

Mr. SIMMONS. All these questions have been already published in the Record and they have also been given to the press.

Mr. PENROSE. To incur the expense of sending the Record to a thousand people would be rather an expensive proposition.

Mr. SIMMONS. They have all been given to the press, as far as that is concerned.

Mr. PENROSE. Mr. President, this is the first time in my congressional experience that I ever saw a disposition to refuse the printing of an official document at a nominal expense for the information of the American people.

Mr. SIMMONS. I am not doing what the Senator suggests, Mr. President. I am trying to avoid a confusion which it is clear to my mind may arise.

Mr. PENROSE. Up to the present time there is no confusion; there is only dense ignorance on the part of the public as to what is going on at this end of the Capitol.

Mr. SIMMONS. The Senator does not, I am sure, overlook the fact that the Finance Committee would have a perfect right under present conditions to send out a part or all of these questions, and to add such further questions as it may see fit, or it would have a right to change these questions as it may see fit. If these questions are published as the questions to be answered, and the Finance Committee shall decide to ask different or other questions, or to ask these questions in a different way, it must be apparent to the Senate that the manufacturers of the country may be misled as to what information the Finance Committee desires, and we may get answers that will not embrace the subjects of the inquiry.

Mr. PENROSE. I take exception to the use by the Senator of the term "the Finance Committee." If he would say "the majority members of the Finance Committee," he would be more accurate. I want these copies printed for my personal use as a minority Senator.

Mr. SIMMONS. If the Senator will pardon me, I said I was going to call a meeting of the full committee for the purpose of considering these questions.

Mr. PENROSE. We all know what that meeting will mean.

Mr. SIMMONS. I presume the Senator does. He has had a great deal of experience in past years when he was in the majority, and I have no doubt he knows what it will be like.

Mr. PENROSE. I have had great experience, Mr. President, but I feel that I am learning every day.

Mr. SIMMONS. The Senator needs additional information. Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Certainly.

Mr. SMITH of Michigan. I should like to ask whether the Senator from North Carolina can give the Senate any information as to when he will be able to report this bill back to the Senate?

Mr. SIMMONS. I can not.

Mr. SMITH of Michigan. Can the Senator approximate the time?

Mr. SIMMONS. I can only express a hope.

Mr. SMITH of Michigan. What is that hope, Mr. President?

Mr. SIMMONS. I have hoped that we might be able to finish the bill some time during the first week in June. I say I have hoped we might be able to do so.

Mr. GALLINGER. Does that include the time to be taken in the Democratic caucus to consider it?

Mr. SIMMONS. I do not know. I can not answer that question. It has not yet been decided whether or not we will have any caucus.

Mr. PENROSE. I should like to ask the Senator one question, and then I shall be through. Is the Democratic caucus to be open to the public or is it to be a secret proceeding?

Mr. SIMMONS. Has any Republican caucus in this country ever been open to the public?



Mr. PENROSE. We were criticized for not having them open, and we are now repentant, and hereafter they will be open.

Mr. SIMMONS. The Senator from Utah [Mr. Smoot] tells me the Republicans never have a caucus. I was under the impression that the Democrats always had conferences, and the Republicans caucuses.

Mr. PENROSE. It is the other way.

Mr. GALLINGER. It is the other way now.

Mr. WILLIAMS. Any of you can come if you will be bound by the result.

Mr. SMOOT. I should like to say to the Senator that I do not believe a request of this kind was ever refused before in the Senate of the United States. This relates to something that has happened in the Senate. The Senator from Pennsylvania now asks for his personal use and convenience a print of 2,000 copies of what has already happened in the Senate, at a cost of not more than \$20. I do not believe a request like this was ever denied in the Senate before.

Mr. SIMMONS. I have stated, Mr. President, the reasons why I think it would be better to wait until the questions are prepared by the committee.

Mr. SMOOT. After the questions are prepared by the committee, if the Senator from North Carolina wants any number of them printed he can have it done, of course; but this is simply to enable the Senator from Pennsylvania to answer his letters. That is all there is to it. I think the Senator ought to withdraw his objection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SIMMONS. Mr. President, I shall make no objection to its consideration. I simply wanted the Senate to be informed as to the situation that exists.

Mr. OWEN. I object, Mr. President.

The VICE PRESIDENT. Objection being made, the resolution will lie over. Morning business is closed. The Calendar, under Rule VIII, is now in order.

#### PROPOSED LEGISLATIVE PROGRAM.

Mr. NEWLANDS. Mr. President, I ask unanimous consent that order of business No. 18, Senate resolution 4, providing for a legislative program, be taken up.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that Senate resolution 4 be now taken up. Is there objection?

Mr. GALLINGER. I will ask the Senator from Nevada if he desires that it be taken up simply for the purpose of making a speech on the subject?

Mr. NEWLANDS. My idea was to carry out the recommendation of the Committee on Rules and have the various subjects matter of the resolution referred to the appropriate committees.

Mr. GALLINGER. That is very proper.

Mr. NEWLANDS. It does not cover any further action than that. I do not ask that any decisive action whatever be taken on the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the Senator from Nevada is recognized.

Mr. NEWLANDS. I simply ask for the reading of the report.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

Mr. OVERMAN, from the Committee on Rules, submitted the following report, to accompany S. Res. 4:

The Committee on Rules, to whom was referred Senate resolution 4, having considered the same, report the resolution back to the Senate with the recommendation that each subhead contained therein be referred for consideration to the proper committee having jurisdiction of the subject matter, to wit:

That all of section 2 except subdivision (k) be referred for consideration to the Committee on Finance.

That subdivision (k) of section 2 of said resolution, which relates to a budget committee, be referred to the Committee on Appropriations.

That subdivisions (2), (b), and (c) of section 3 of said resolution, relating to interstate commerce, be referred for consideration to the Committee on Interstate Commerce.

That so much of subdivision (d) of section 3 of said resolution as relates to the physical improvement and development of rivers shall be referred for consideration to the Committee on Commerce, and that so much of subdivision (d) of section 3 as relates to the establishment of terminal and transfer facilities and the coordination of rail and water carriers shall be referred to the Committee on Interstate Commerce.

That subdivision (e) of section 3 of said resolution be referred to the Committee on Interstate Commerce.

That section 4 of said resolution, relating to interstate exchange, be referred to the Committee on Banking and Currency.

That subdivision (a) of section 5 of said resolution be referred to the Committee on Territories.

That subdivision (b) of section 5 be referred for consideration to the Committee on Conservation of National Resources.

That subdivision (c) of section 5 be referred to the Committee on Public Lands.

That subdivision (a) of section 6 be referred to the Committees on Military and Naval Affairs.

That subdivision (b) of section 6 of said resolution be referred to the Naval Affairs Committee.

Mr. NEWLANDS. I ask that the resolution be referred as indicated in the report.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Do I understand the Senator to ask for the adoption of the resolution?

Mr. NEWLANDS. Oh, no. All I ask is that the resolution, in its separate branches, be referred to the appropriate committees as recommended by the Committee on Rules. The resolution has not come up for final action.

Mr. OVERMAN. The Committee on Rules recommend that each subhead of it be referred to the committees named in the report.

Mr. SMOOT. I will ask the Senator from Nevada if the amended report of the committee recommends that the particular part of the resolution that has reference to public lands be referred to the Committee on Public Lands? I have not the report before me.

Mr. NEWLANDS. That was my understanding. My understanding was that the Committee on Rules amended their first report pursuant to suggestions that were made on the floor of the Senate.

Mr. SMOOT. In order that we may know, I ask for the reading of the report.

Mr. NEWLANDS. The report has just been read, but I will turn to the part of it to which the Senator refers. To what subdivision does the Senator refer?

Mr. SMOOT. I forget the subdivision, Mr. President; but the Senator will remember that when his resolution was in the Senate before, and was recommitted to the Committee on Rules, there was a question as to a certain subdivision of the resolution being referred to the Committee on Public Lands. I desire to learn whether the amended report of the Committee on Rules recommends the reference of that subdivision to the Committee on Public Lands.

Mr. OVERMAN. Let the report be read.

Mr. SWANSON. It has been read once. I object to its second reading.

Mr. OVERMAN. I insist upon its being read again. No one has a right to object to the reading of a report.

Mr. SWANSON. It has been read once.

Mr. OVERMAN. It does not make any difference if it has been read a thousand times. I ask that it be read again.

The VICE PRESIDENT. Objection being made to the reading of the report, the question is, Shall the report be again read? [Putting the question.] The ayes have it, and the report will be again read.

The Secretary again read the report of the Committee on Rules.

The VICE PRESIDENT. If there be no objection, the report of the Committee on Rules will be agreed to, and the various parts of the resolution will be referred to the several committees in accordance with the report of the Committee on Rules.

Mr. NEWLANDS. I ask that the resolution itself may be printed in the Record in connection with the report.

The VICE PRESIDENT. In the absence of objection, that may be done.

The resolution (S. Res. 4) submitted by Mr. NEWLANDS March 13, 1913, is as follows:

1. *Resolved*, That it is the sense of the Senate that during the approaching extra session for the immediate revision of the tariff Congress should not only consider and pass comprehensive legislation regarding all the schedules of the tariff but should also, through the appropriate committees, consider other subjects of needed legislation, to be taken up for final action at the next regular session of Congress.

#### TARIFF AND TAXATION.

2. *Resolved*, That the Senate Committee on Finance report at as early a date as possible during the extra session upon the following questions:

(a) Whether the prices of any farm products in the United States are raised above the international level of prices by the duties now imposed on such products; and if so, what products, and whether such duties on such products can be abolished or materially reduced without injury to American industry, and to what extent. In such inquiry shall be included meats, cheese, wool, sugar, tobacco, wines, citrus fruits, and dried and preserved fruits.

(b) What products now on the dutiable list should be put on the free list.

(c) Whether it is practicable and advisable to change all duties from specific to ad valorem duties.

(d) The average percentage of the duties imposed by the existing tariff, and the average percentage to which it is desirable to reduce the duties imposed under the proposed revision of the tariff, and the maximum and the minimum duties which it is desirable to impose.

(e) Whether it is practicable and desirable to distribute the proposed reduction over a period of four years.

(f) Whether it is practicable and advisable after making the contemplated reduction in the tariff to organize an administrative tariff board, which, acting under rules fixed by Congress, shall have the power, either upon its own initiative or upon the initiative of any importer,

producer, or consumer, to further inquire into complaints of excessive duties prohibiting or unduly restricting importations, or of diminished duties permitting excessive importations to the prejudice of existing domestic industries and to the injury of the capital or labor employed therein, or of excessive duties prejudicial to domestic consumers; such board to present to the President and to Congress such recommendations as it may deem advisable.

(g) Whether it is practicable and advisable to give such tariff board, after full investigation and hearing, the power, with the approval of the President, to make reductions or increases in duties, within certain limitations and under rules prescribed by Congress; and if so, what limitations and rules should be prescribed.

(h) Whether it is practicable and advisable to make such rules and regulations for the action of such a tariff board as will enable the Government to feel its way gradually from a high protective to a revenue basis without readjustments prejudicial both to domestic labor and capital, and without denying to the consumers needed relief from the imposition of excessive taxes upon foreign imports and excessive prices for domestic products.

(i) Whether it is advisable to provide a graduated income tax and a graduated inheritance tax with a view to making up any deficit in revenue caused by a reduction in customs duties, and also with a view to extending the operations of the National Government in cooperation with the States in the improvement of post roads, the regulation of rivers in aid of navigation, irrigation, water-power development, and swamp-land reclamation, and also in cooperation with the States in the advancement of vocational education.

(k) Whether it is practicable and advisable to appoint a budget committee, of which the chairman of the Appropriations Committee and the chairmen of the other supply committees shall be members.

#### INTERSTATE COMMERCE.

3. Resolved, That the Senate Committee on Interstate Commerce report at as early a date as possible during the extra session upon the following questions:

(a) Whether it is advisable to supplement the existing Sherman anti-trust act by legislation which will more specifically define restraints of trade, including therein the prevention of unfair competition, stock watering, overcapitalization, excessive size, interlocking directors, and the holding by one corporation of the stock of another.

(b) Whether it is advisable to substitute for the present system of holding companies, by which a corporation organized under the laws of a single State is made the means of federating corporations organized under the laws of other States for the purpose of interstate transportation, a national act for the incorporation of holding companies, under which railway companies organized under the laws of different States may be federated for interstate transportation, such holding companies to be subject in their general conduct to the regulation of the Interstate Commerce Commission.

(c) Whether it is advisable to organize an interstate trade commission, in which shall be merged the officials, powers, and functions of the Bureau of Corporations, with powers of publicity, investigation, correction, and recommendation regarding corporations engaged in interstate trade similar to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation, but without the power to fix prices; such interstate trade commission to have the power to aid the courts in the administration of the Sherman Act and other legislation supplementary thereto.

(d) Whether it is advisable to provide for the creation of a board of river regulation which shall bring into cooperation the departments and services of the National Government whose duties in any way relate to waterways in devising and carrying out comprehensive plans for the promotion of interstate commerce by the regulation of river flow, the mitigation of destructive floods, by the promotion of storage above and of bank and levee protection below, the establishment of terminal and transfer facilities, the coordination of rail and water carriers, and the cooperation of the Nation with the States, each within its jurisdiction, in plans and works for the full and, so far as practicable, compensatory development of the rivers for every useful purpose, and the establishment of an ample fund for continuous work during a period of 10 years.

(e) Whether it is practicable and advisable to bring into coordination under the Interstate Commerce Commission the related subjects of interstate transportation, interstate trade, and interstate exchange by the creation of three boards in such commission, one relating to interstate transportation, one relating to interstate trade, and one relating to interstate exchange, the present Interstate Commerce Commission to constitute the board of interstate transportation, the proposed interstate trade commission to constitute the board of interstate trade, and the proposed banking commission to constitute the board of interstate exchange, merging into the board of interstate trade the present Bureau of Corporations and merging into the board of interstate exchange the comptroller's office.

#### INTERSTATE EXCHANGE.

4. Resolved, That the proper Senate committee report as soon as possible during the extra session upon the following question:

(a) Whether it is practicable and advisable to organize under national law in each State a national reserve association, in which the State banks engaged in interstate exchange and complying with the national legislation as to capital and reserves shall be united with the national banks as members, such associations to have the powers of issue relating to emergency currency now enjoyed by the constituent national banks; such associations to have such of the powers proposed by the National Monetary Commission to be conferred upon a central national reserve association as are necessary and advisable; such State associations to have the powers of investigation and correction regarding the affairs of the constituent banks; such State associations to be brought into federation for the protection of interstate exchange and the prevention of bank panics through a national banking commission fairly representative of the different sections of the country, part of which shall be selected by such associations and part by the President of the United States; such national banking commission to have powers of investigation and correction over the State associations, and to report to the President and Congress annually such recommendations as it deems advisable regarding legislation and administration concerning monetary affairs.

#### PUBLIC LANDS AND NATURAL RESOURCES.

5. Resolved, That the Senate Committee on Public Lands report at as early a date as possible during the extra session upon the following questions:

(a) Whether it would be advisable for the National Government to promote the development of Alaska by the construction of a railroad or railroads; and, if so, the probable cost and plans for construction and operation.

(b) Recommendations regarding the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

(c) The applicability of the land laws of Canada to the conditions of our public domain, and particularly those provisions regarding the grant of the surface to settlers, excluding from the operation of the grant timber, coal, iron, oil, and water-power sites.

#### MILITARY EXPENSE AND AUXILIARY NAVY.

6. Resolved, That the Committee on Military and Naval Affairs report at as early a date as possible during the extra session upon the following questions:

(a) The preparation of a plan for the more efficient administration and cooperation of the Army and Navy and the reduction of the total Army and Navy expense for the next four years to not exceeding \$225,000,000 annually, with the aid of a board of Army and Navy officers to be selected by the President.

(b) A plan for the construction of auxiliary ships for the Navy, to be used in time of war in aid of the fighting ships and in time of peace in establishing necessary service through the Panama Canal and new routes of commerce to foreign countries through lease to shipping companies; such legislation involving the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships with a view to the organization of a well-proportioned and efficient Navy.

#### FOURTEENTH INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. SWANSON. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

The VICE PRESIDENT. The Senator from Virginia requests unanimous consent for the consideration of the bill named by him.

Mr. KERN. What is it?

Mr. SWANSON. It is a bill providing for the appointment of delegates to the International Congress on Alcoholism. We have been invited by the Italian Government to send delegates in September. It is very important, if the bill is to pass, that it should pass very promptly.

Mr. KERN. If it is going to consume any time or provoke debate, I shall object to it, because the regular order—

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent to call up the bill.

Mr. SMOOT. Mr. President, I do not find here the report of the committee.

Mr. SWANSON. Here is the report.

Mr. SMOOT. It is an important matter. I do not like to object unless I know what I am objecting to.

Mr. SWANSON. The report was made on the 16th of this month. There has been ample time to examine it.

Mr. SMOOT. I have looked in my files, and I have no report here. It seems to me that if it is of importance we ought at least to read the report.

The VICE PRESIDENT. Does the Senator from Utah object?

Mr. SMOOT. If the Senator from Indiana [Mr. KERN] does not desire to take up the unfinished business at 2 o'clock—

Mr. SWANSON. I will not let it interfere with the resolution the Senator from Indiana has in charge.

Mr. KERN. It is nearly 2 o'clock now.

Mr. SMOOT. I have not time to examine it by 2 o'clock.

The VICE PRESIDENT. Does the Senator from Utah object?

Mr. SMOOT. Yes; I must if I am to be confined to one minute to pass on it. I do not want to object if the Senator will grant me time to make the examination.

#### PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate resolution 37, providing for an investigation into the conditions in the Paint Creek coal fields of West Virginia. The pending question is on the reference of the resolution to the Committee on Education and Labor. The Chair recognizes the Senator from West Virginia [Mr. Goff].

Mr. KERN. Mr. President, I ask to have read two telegrams in the nature of petitions.

The VICE PRESIDENT. Does the Senator from West Virginia yield for that purpose?

Mr. GOFF. What is the nature of the telegrams? I did not hear.

Mr. KERN. They are with reference to the subject under consideration.

The VICE PRESIDENT. Is there objection to the reading? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

CHARLESTON, W. VA., May 16, 1913.

Hon. Senator KERN, Washington, D. C.

DEAR SIR: This is to certify that local union of carpenters and joiners of Charleston, W. Va., heartily indorse your resolution for an investigation of existing labor troubles in our State, and earnestly hope such investigation will be made, Senators CHILTON and GOFF to the contrary notwithstanding.

J. P. MCGREW,  
C. P. STAATS, Secretary.



Hon. JOHN W. KERN,

*United States Senate, Washington, D. C.*

Twenty-five hundred citizens gathered in the auditorium here this afternoon in protest against martial law in West Virginia and to urge a Federal investigation, and unanimously adopted the following resolution:

Whereas the governor of the State of West Virginia has declared a state of war to exist within the State and has invoked martial law, setting aside the protection of the constitution and the laws;

Whereas men and women have been arrested without warrant of law, without charge as provided by law, and have been thrown in jail and kept there without a trial or sentence, and prevented from seeing even their families or lawyers; and

Whereas we believe that the disturbances that have existed throughout the coal-mining districts seem to be confined to those districts, and would seem to prove that the disturbances must have their cause in the conditions under which the workers in that industry are forced to live and labor: Therefore be it

*Resolved*, That we declare that martial law should be at once abolished and every person held in custody immediately released unless they can be proven guilty before a jury of their peers of having violated a law of the State or Nation; that men and women shall have the privileges restored to them under our constitution and our laws; and be it further

*Resolved*, That we believe that a most thorough and searching investigation of the coal-mining conditions in this State be made in order to determine, if possible, the cause of the unrest which has become so great among our people, and that we urge the United States Government to immediately make such investigation, under the powers given in the interstate commerce laws, to the end that the public may know the true conditions and take such steps as may be advisable to remedy the conditions.

S. LEO J. LAFLAM,  
WM. WILSON,  
W. B. HUTTON,  
J. B. MOORE,  
CHAS. D. RYAN,  
L. F. SPROUSE,

*Committee of Ohio Valley Trades and Labor Assembly.*

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, the telegrams we have just heard read are quite similar to those heretofore offered and considered, and while I have every respect for those who send such telegrams I insist, nevertheless, that the action they have taken has been without full information on this subject, and they should have but little weight with the Senate.

The suggestion has been made that this matter should be referred to a committee. That suggestion comes to me this morning. If that had been suggested at the time the matter was first broached, before the atmosphere in this Chamber had become surcharged with the ludicrous, ridiculous, and the false information that has been presented, then it would have been entitled to more consideration. In order that I may be absolutely understood I take my position as I state it now. In the first place, this matter has no business before this Senate. Speaking judicially, speaking relative to the judicial aspect, this is a matter that should be considered by the courts. What jurisdiction has the Senate of the United States or the Congress of the United States to go into West Virginia or any other State for the purpose of making an investigation of this kind?

There are many matters that I can suggest to Senators just as proper, aye, even more so, for a senatorial investigation than is this labor strike in West Virginia. Lawyers on this floor, and the Senators generally, familiar with the legal history of the country know that the Supreme Court of the United States has stated distinctly—I refer to the noted case of Kilbourn against Thompson—that while the Congress of the United States may make certain investigations, that this is not of the character so authorized, and that the Senate would be absolutely without power to punish for contempt should its authority be defied.

You send out your committee. Witnesses are brought before it. A witness declines to answer, just as Kilbourn declined to answer. The House of Representatives imprisoned Kilbourn. The Supreme Court gave him his liberty and said the House of Representatives had no such power—that Congress has no such power. As to matters relating to the election and the qualification of its Members, as to matters relating to impeachment, as to matters concerning which there is a direct grant of power in the Constitution the Congress may investigate, but as to other matters it is absolutely powerless.

Now, what good would come of this investigation if the witness summoned before the committee should decline to answer the questions propounded by it? If you arrest them for contempt and try them, could you punish them? It is more than doubtful. I submit that this is a serious situation, worthy of the grave consideration of the Senate.

Let us look at it in another way. What is there in this resolution, in the matters that have been reported back by the committee, that the Senate is to investigate?

First. Whether or not any system of peonage is maintained in said coal fields.

The Senator who offers this resolution knows, as do many other Senators, that that matter has been fully investigated; that the Department of Justice fully investigated it; that at the time these resolutions were drawn the Department of Justice was advised of this charge, just as it is incorporated in this resolution. That department sent its representatives to this coal field. They sought all through that section for a scintilla of evidence that would show there was peonage in the coal fields, and they reported that no such evidence could be found. Why, then, is that to be taken up again? And why, Mr. President, should the Senate of the United States resolve itself into a grand jury, for that is about what is proposed here?

The United States courts in West Virginia are open. Our statutes make peonage an offense. The district attorney is there, with all the power of the Government to sustain him. The judge is on the bench, the jury in the box. Why, then, should not the investigation be made there, and not here?

Second. Whether or not access to post offices is prevented; and, if so, by whom.

The same remarks apply. The Post Office Department of the Government sent its inspectors there. They called upon all men who knew about this, "Come here and testify," and they reported to the Post Office Department that there was absolutely nothing in the charge. If any one can sustain it, let him go before the grand jury of the district of West Virginia. That court is open, and that is the orderly procedure.

Third. Whether or not the immigration laws of this country are being violated in the West Virginia coal fields; and, if so, by whom.

Whether the laws are being violated! That is what the courts are there for. That is what the grand jury is empaneled for. I am necessarily repeating points because of these subdivisions of the resolution. They could all be investigated after a charge by the court; such disposition of these matters should be satisfactory to all. But, as a matter of fact, the examinations have already been made, and the reports in the offices of the department of the Government in this city show that to be true.

Fourth. Whether or not parties are being convicted and punished in violation of the laws of the United States.

So far that is really the only matter which has been discussed before the Senate.

Now, hastily, I want to recapitulate on the questions of law involved in this suggestion. I am going to concede, I have in fact conceded, that the Constitution and the laws of West Virginia prohibit, as most of the States do, the suspension of the writ of habeas corpus.

Many of those who favor this resolution take the position that under no circumstances should the writ be suspended. I have answered that by saying that the habeas corpus writ has never been suspended in West Virginia. The zone has been drawn there in such a way that it includes no court having jurisdiction of that writ. The controversy has hinged upon whether or not the military commission sitting in that zone had the right to try people charged with civil offenses. The authorities that I have cited, I insist, maintain the position that the military commission was properly established and properly tried those cases.

Now, who did it try? There was no indictment, as a matter of course. The parties accused were brought before the court, after having been arrested by the military authorities. If not, there could have been no trial there. I am utterly unable to understand the character of martial law that after it makes an arrest of a man caught red-handed in insurrection, carries him under guard to the portals of the blind goddess of justice, knocks at the door and asks, "Can I come in with this prisoner and turn him over to you in order that the beauties of the civil law may still be maintained?" It is a travesty; it is absolutely paradoxical. The very declaration of martial law carries with it the idea that the civil law is inadequate to maintain the peace, and that the military authorities are in power. You will not find in the books a definition of martial law that does not imply that it exists because of the inability of the civil law to sustain itself. That is true through all the years before the organization of our Government, through all the years of civilization I am safe in saying.

I do not think there is a Senator on this floor who will say that the governor of West Virginia had not the power to declare martial law in a certain portion of the State at the time he so declared. Then he did that which has been the rule for years, a rule laid down by Vattel, by Halleck, and sustained by our Supreme Court. The rule gave him power to appoint the military court and to give it specific instructions, to define the character of the cases and the punishment that could be inflicted. That was done. The governor of West Virginia was authorized to do as he did, and he exercised the power that was his so as to insure the peace of the community and properly protect the citizenship thereof. To me it is amazing that in

his honest efforts to suppress insurrection he should not have the cordial support of all those who love law and order.

Now, in addition to what the Senator from Idaho [Mr. BORAH] read from Luther against Borden, I want to call attention to an extract from the argument of Mr. Webster in that case:

I shall only draw attention to the subject of martial law; and in respect to that, instead of going back to martial law as it existed in England at the time the charter of Rhode Island was granted, I shall merely observe that martial law confers the power of arrest, of summary trial, and prompt execution; and that when it has been proclaimed the land becomes a camp, and the law of the camp is the law of the land. Mr. Justice Story defines martial law to be the law of war, a resort to military authority in cases where the civil law is not sufficient; and it confers summary power, not to be used arbitrarily or for the gratification of personal feelings of hatred or revenge, but for the preservation of order and of the public peace. The officer clothed with it is to judge of the degree of force that the necessity of the case may demand; and there is no limit to this, except such as is to be found in the nature and character of the exigency.

You will find that in the "Works of Daniel Webster," volume 6, page 241.

I find also in the "Writings of Jefferson," an authority both sides of this Chamber respect, volume 5, page 378, the following:

There are extreme cases where the laws become inadequate even to their own preservation, and when the universal resource is a dictator or martial law.

This is in a letter of Thomas Jefferson under date of October 27, 1808, to his personal friend Dr. James Brown.

Thus we have what the Supreme Court has said and the language of Mr. Webster, which was in effect carried into the opinion of the Supreme Court in the case of Luther against Borden. We also see what the men who made the Constitution and who founded the Government believed on the questions we now consider.

While upon this point and referring to the makers of the Constitution I conclude it will be well to read other extracts from the writings of prominent men of that time now applicable. Hamilton, who was a wonderful man, an accomplished statesman, a thorough student of the science of government, who took part in all the discussions that preceded the Declaration of Independence, the forming of the Government, and the adoption of the Constitution, said:

It is in vain to impose a constitutional barrier to the impulse of self-preservation. (No. 41, Federalist.)

John Adams figured very prominently in these discussions and was President of the United States. He said, speaking of the Constitution:

All the powers incident to war are, by necessary implication, conferred upon the Government of the United States. There are in the authority of Congress and of the Executive two classes of powers, altogether different in their nature and often incompatible with each other, the war power and the peace power.

In order to make clear the point I have heretofore suggested, and to make applicable the authorities I have cited and the extracts I have read, I want you to bear in mind that the Supreme Court has said that when war is spoken of in those decisions it means also insurrection, so far as the Federal or State Governments are concerned, and therefore the power that exists in the Congress or in the Federal Government, if there be insurrection, exists also in the States.

The peace power—

Still reading from President Adams—

The peace power is limited by regulations and restricted by provisions prescribed with the Constitution itself. The war power is limited only by the laws and usages of nations. This power is tremendous. It is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life.

There comes now and then such emergencies, when for the good of humanity, when in order to preserve our homes and our firesides, our lares and our penates, the power must exist somewhere to resort to extreme measures, in order that society shall be protected and that government may still live.

In all the trials that were had by this military commission in West Virginia, there has not yet been stated to the Senate or developed upon this floor a single case wherein it has been made to appear that the defendant was improperly convicted. I admit there was no—

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I yield to the Senator from Idaho.

Mr. BORAH. I thought that was the question that we were arguing—that they were all improperly convicted—

Mr. GOFF. No.

Mr. BORAH. Because they were not convicted in any tribunal that had the right to try them.

Mr. GOFF. If that is the answer to it, then great men differ, as I intimated the other day, and the Senator differs from the Supreme Court of the United States, of the State of Pennsyl-

vania, and of the State of West Virginia, last mentioned but not least by any means.

The point I make is this: If as to these persons that we are told have been improperly tried, illegally convicted, and cruelly punished there could not be made out a case, the ingenious lawyers who have represented them in our courts in West Virginia and the able Senators who have defended them on the floor of the Senate have been unable to show irregularity in the proceedings against them. Take the State against John Jones, for instance, and the record will show all the charges, all the evidence, and all that was said, as well as the judgment entered. From the reading of it you can see whether or not there was any testimony under which these men were properly held. There is a woeful lack of any such reference. If I were in favor of the passage of a resolution the object of which was to show that the military court in West Virginia had the power claimed for it and that it did not exercise that power cruelly and illegally, I would not want anything better than the transcript of the record that was kept, the testimony offered by the military authorities, and that submitted by the parties accused.

A great many of those people pleaded guilty.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

Mr. GOFF. Certainly.

Mr. CRAWFORD. I ask are any of those cases pending on appeal on writ of error in the Supreme Court of the United States?

Mr. GOFF. No.

Mr. CRAWFORD. Not one?

Mr. GOFF. Not one.

Mr. CRAWFORD. So there is no possibility of having a decision there?

Mr. GOFF. I will say to the Senator, in reply to that question, that a case is now being perfected in West Virginia for that very purpose. Those who represent the parties whom the court of appeals of the State held were properly in detention and sustained the military commission were under the impression, I am advised, that the case as it was presented to the court of appeals of West Virginia did not contain certain propositions that they thought were really essential for the proper presentation of the matter for the final action of the Supreme Court. So they are making a case that will contain those points, and that will go to the Supreme Court, as every one there wants it to go.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. Certainly.

Mr. KENYON. It does not appear, at least to my mind, from the debate what some of the charges were against these various men who have been restrained of their liberty. Now, I ask the Senator from West Virginia, who is perfectly familiar with these matters, what were some of the charges? Were they violations of State statutes or were they merely offenses against the military code?

Mr. GOFF. I will mention some. These men were charged with inciting to riot; they were charged with insurrection; they were charged with unlawfully gathering together for the purpose of impeding the administration of the law in the coal zone; they were charged with murder and convicted of murder on testimony overwhelming. That is what some of them were charged with.

Mr. KENYON. And they were all charges of the violation of the State statutes?

Mr. GOFF. They were charged with violations of the laws of West Virginia, which were specified in the sections of the code that I have alluded to.

Mr. KENYON. And they were tried in the military court for the violation of the State statutes?

Mr. GOFF. In every instance.

Now, it does not properly represent the condition in West Virginia to say that all the miners in that section of the State are in favor or were in favor of the course pursued by those on strike. Some of them did not want to strike; they wanted to work that they might live, while others wanted to strike. They had a perfect right to strike; everybody concedes that. Frequently strikes are properly inaugurated and properly conducted and result beneficially; but those who wanted to strike had no right to prevent others from working who wanted to work; and it was the effort to prevent them from working, as well as the refusal of the mine operators to comply with certain demands made upon them, that brought on the strike and compelled those who did not want to strike to join—sometimes to



join under coercion—or, if not joining, to be quiescent and keep out of the way. So the strike was inaugurated under such circumstances; not all the people, not all the men, not all the laborers, by any means, acquiescing in it.

I am not going to be misrepresented; I am not going to be misquoted; I am not going, if I can prevent it, to have the State that I in part represent here maligned and held up as occupying a position that it has never taken.

Mr. CRAWFORD. Mr. President, will the Senator permit me to ask him a question there?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. GOFF. Certainly.

Mr. CRAWFORD. I do not want to be unjust to a State. I may not understand the situation, and I probably do not, but is this provision in the constitution of the Senator's State, article 3, section 12, referred to by Judge Robinson in his dissenting opinion?

The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

It would seem that these offenses are offenses that are cognizable by the civil courts of the State. It would seem from statements made in the dissenting opinion that, outside of this limited zone, over in Charleston, a few miles away, the civil courts and criminal courts were actually in session undisturbed in the courthouse, with the doors open, and that those who had violated the law within the zone could be taken outside the zone where the civil courts of the State would have full sway. Is it the Senator's position that, even if this were a matter of inquiry confined to the State of West Virginia alone, and even conceding that we, as a part of the Congress of the United States, might not properly investigate it, no one could inquire as to whether or not, notwithstanding what the governor said, there was no fact justifying the necessity for invoking martial law and that everybody is estopped from making such an inquiry because the governor issued such a proclamation or order? Does the Senator maintain that that position is sound?

Mr. GOFF. I will explain. In the first place, the Senator has properly quoted the constitution of West Virginia. It is true also that it has been properly quoted as it refers to the writ of habeas corpus. But it is also claimed that that provision of the constitution must in certain exigencies be construed with other provisions of the constitution, with decisions of the Supreme Court of the United States, and with that law that is higher than any statute, or any constitution—the right of self-preservation, the inherent power of any government to protect and save itself.

It is not the first time by any means that such a proposition as that has been enunciated; but I hope to God it will be the last. I hope that no such conditions will ever exist either in West Virginia or in any other State of the Union that will render it essential to resort to such extreme measures.

We might as well look the situation squarely in the face; we might as well appreciate the circumstances under which West Virginia was, and other States now are, suffering; we might as well concede that we are standing on the brink of a fearful precipice, the fall over which means certain death—death to the individual, death to the government. We had better pause and take stock; we had better look at this trouble and other troubles, not in the light that it will help here or help there to gain a vote here or lose a vote there; but if we want to preserve constitutional government on the face of the earth, we have got to properly handle these unusual strikes, riots, and insurrections.

To show that I am not alone, that I am sounding no false chord, I beg leave to read and to incorporate in my remarks an editorial that was published in the New York World in its issue of May 16. It is headed, "An issue that must be met," just as I have been trying to present in my feeble way—an issue that must be met:

Patrick Quinlan, of the I. W. W., comes into collision with what used to be called Jersey justice, and is convicted at Paterson of inciting to assault. He may go to the penitentiary for years.

Sympathy with labor and with those who seek to assist labor in its lawful purposes can hardly be extended to Quinlan. He was an intruder. He interfered in an industrial quarrel not as a coworker, not as a peacemaker, not as a negotiator, not even as a citizen. Like all the other members of the I. W. W., he appeared on the scene to promote trouble, to intensify anger, and to encourage violence. He is facing the penalty of lawlessness.

It is not the authorities alone that show their bristles when the I. W. W. appears. Every responsible labor organization in America manifests similar sentiments. Why? Because the misguided men who have launched this piratical craft upon the industrial sea are avowed enemies of peace, order, law, right, and justice.

This editorial is not classifying all labor organizations in that way.

Their aim is not to promote the interests of those who work. It is to inflict damage upon property, injury upon those who employ labor, and contempt upon all those whose duty it is to enforce the law.

That is the sentiment to which I alluded a few moments ago when I said that in a strike zone the people generally sympathize with the misguided and those conducting themselves illegally.

With them labor's interests are always secondary.

If this idea is to prevail, we shall soon have no industry and no Government, no wages and no property, no rights and no justice. If there can be no common ground on which employers and employees can meet, peace is impossible and progress is impossible.

The I. W. W.'s purpose is avowedly destructive. It is not satisfied merely with the destruction of industry. It destroys property. It seeks to intimidate capital. It terrorizes labor. It entertains a grotesque theory that it can destroy government.

A so-called labor organization that sacrifices labor to lawlessness, that never makes peace, that refuses to arbitrate, that teaches sedition and crime, that has no known objective but riot, and that carries in its pulpy hands no standard but that of license, certainly has no place in this Republic.

No matter how many ill-advised and ill-disposed persons may foolishly yield to the appeals of the leaders of the I. W. W., the issue which they raise is one that must be met unflinchingly. Rights and interests of labor and rights and interests of capital as such must be held in abeyance when the higher rights of society are menaced.

The brawlers of this organization represent no legitimate interest. They are avowed wreckers. They have no habitation. They are engaged in no respectable industry. They challenge law. They are nomads. Wherever they appear they provoke disorder, bloodshed, terror. They are not to be dignified with the title of rebels or revolutionists. They are desperadoes, and they should be dealt with as desperadoes.

The condition in New Jersey to-day is as bad as it ever was in West Virginia during the coal strike, which is now over. If I may read from newspapers, as the Senator from Indiana [Mr. KERN] did when arraigning West Virginia, I noticed yesterday in the metropolitan journals that Quinlan, though convicted, was able, nevertheless, to address large audiences, as any citizen who speaks upon great governmental questions should be permitted to do; but the advice that was given, the threats that were made, indicated that, unless the judgment of that court—and I want to say that the judgments of New Jersey courts have always been held in great respect—

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. Certainly.

Mr. MARTINE of New Jersey. The Senator's reference to conditions being as bad in New Jersey as they were in West Virginia prompts me to advance this thought: Heaven knows that the struggle of labor is bad in almost every State to a greater or less degree, and the conditions recently in Paterson, N. J., indeed are unfortunate; but New Jersey can not be classed with West Virginia, in that she has not invoked martial law.

Mr. GOFF. She ought to. If you had martial law in New Jersey to-day—

Mr. MARTINE of New Jersey. That is the Senator's assumption, but New Jersey is able through its civil courts to cope with every contingency that has yet arisen.

Mr. GOFF. Very well—

Mr. MARTINE of New Jersey. If our conditions were as bad as yours, or if yours were as bad as ours, I say then that West Virginia might look up to the example of the little Commonwealth of New Jersey that has not invoked the aid of military courts-martial. We have tried offenders against our laws and can continue to do so. I pray you not to couple with West Virginia the Commonwealth which I in part represent in methods of procedure of that kind.

Mr. GOFF. Very well, Mr. President; I am obliged to the Senator. New Jersey, it seems, has not resorted to martial law; New Jersey has tried offenses of this kind by a civil court. The insurrection in New Jersey is still extant; order has not been restored in Paterson; property has been destroyed in Paterson; human life, I am told, has been taken in Paterson; and the court that is to sentence Quinlan—if I may now go back to make reference to the journal to which I called attention a moment ago—was gravely advised that unless the judgment was set aside the halls of justice would go up in smoke and ruin. I say it would be better for New Jersey, and it would be better even over in Ohio to-day, where the law is held at naught—

Mr. MARTINE of New Jersey. Well, Mr. President, I ask what becomes of our vaunted liberty; what becomes of our constitutional system of government if such a process is to be resorted to? It becomes a farce and a mockery.

Mr. GOFF. Well, Mr. President, if the argument I have made; if the citations I have presented; if the mandate of the Supreme Court does not answer the Senator's question, it is utter folly for me to undertake to do so. The interruption—

begging the Senator's pardon—to which I yielded was not, in my judgment, for the purpose of sustaining the position that he enunciates in reference to liberty and justice, but was made, and is intended and will have the result, whether intended or not, of aggravating the situation in his own State.

Mr. MARTINE of New Jersey. Will the Senator permit me a moment?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. I do.

Mr. MARTINE of New Jersey. I am as law abiding as the Senator from West Virginia can possibly be. My prompting and incentive was not to provoke or irritate strife, but rather to allay it. The assertion upon the part of the Senator is utterly uncalled for and ungenerous. I believe in constitutional liberty, and with the courts in West Virginia wide open, as has been stated by the Senator himself, I do insist that it was a step far at variance with constitutional liberty to invoke the aid of a military court-martial. No theories, no arguments, can convince me to the contrary.

I have been, in a way, a laborer all my life. The strife between labor and capital is sad, and it will never stop until mankind shall be prompted to avail themselves of and to acquiesce in the thoughts and teachings of the great Power who bids us treat mankind as brothers.

Mr. GOFF. I have no war or controversy with the matter that the Senator chooses to interject into this discussion. He must be his own judge about that.

Mr. MARTINE of New Jersey. I am responsible for it, too.

Mr. GOFF. That is correct. But when the declaration of civil war is necessary—and all the courts tell us that the governor is to be the judge of when it is necessary—for the Senator to take the position that it is made for the purpose of destroying liberty—

Mr. MARTINE of New Jersey. But this, Mr. President, was not a declaration of civil war.

Mr. GOFF. I said "a declaration of martial law."

Mr. MARTINE of New Jersey. I understood the Senator to say "civil war."

Mr. GOFF. If I did, I used the wrong word.

Mr. MARTINE of New Jersey. I beg the Senator's pardon. One is about as bad as the other. [Laughter in the galleries.]

The VICE PRESIDENT. The Sergeant at Arms will maintain order in the galleries.

Mr. GOFF. Very well. When a proclamation of martial law is issued under the circumstances that existed in West Virginia, to claim that it was done for the purpose of destroying liberty, interfering with labor, injuring property, or doing injustice to anyone is so extremely extravagant that it is best simply so to style it and say nothing more.

I want to call attention now to another editorial communication, published in another great metropolitan journal, the New York Sun, on Friday last.

Mr. HUGHES. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the junior Senator from New Jersey?

Mr. GOFF. I do.

Mr. HUGHES. I have no desire to interrupt the Senator's statement. I do not wish, however, to let pass without comment a remark he made with reference to conditions in my city.

The Senator spoke as though there was loss of life and great injury to property in that unfortunate municipality. I wish to eradicate from the minds of Senators any such idea that may have arisen owing to what the Senator from West Virginia said. I am, as he is, dependent upon newspaper reports for information as to conditions in the city of Paterson. There has been but one life lost, so far as I know, and no one has charged the loss of that life to the strikers or to the members of the organization which has the strike in charge. My information is that that particular individual whose life was lost was killed by some representative of the constituted authorities there, or the strike breakers. So far as the destruction of property is concerned, if there has been any, it has been immaterial in extent.

I wish to state, if the Senator will pardon me, although I do not like to encroach upon his time, that the city of Paterson has an unfortunate reputation which, in my judgment, it does not at all deserve. Its conduct and the conduct of its citizens in the present crisis should demonstrate to the Nation at large that its people are peaceful, law-abiding citizens of the Nation. When one recollects that there are 25,000 working people now upon the streets of the city of Paterson on strike against conditions which, in my judgment, have become absolutely intolerable, and when one stops to think that in addition to that there has been no loss of life chargeable to them, and

that there has been no destruction of property worthy of the name, I can not sit still and have the Senator create the impression in the minds of the Members of this body, and send it out to the country, that there are conditions existing in that city or in that State anything like those which the Senator insists exist in his own Commonwealth.

The strikers, the members of the Industrial Workers of the World, wherever they have offended, have been brought before the regular and duly constituted tribunals of that State and city. They have been tried before duly constituted judges. They have had able attorneys in their defense. They have been given the benefit of every privilege or right that any ordinary citizen charged with crime is given. A number of them were acquitted by a supreme court justice after a summary conviction by a police court magistrate. In handing down that decision the justice of the supreme court, who holds that court in my home county, said, as an admonition to the justice below, that it was his duty and the duty of every magistrate and law officer to demonstrate to these people that, as American citizens or as residents or inhabitants of a country dedicated to life, liberty, and the pursuit of happiness, the law in the city of Paterson and the State of New Jersey is alike for the rich and the poor.

They are now proceeding upon that theory. They are arresting men, sometimes when they should be arrested, and, in my judgment, sometimes when they should not be arrested. But when they get into the courts they are given fair and impartial trials, and if there is error in the procedure they will be given a fair and impartial hearing above.

I commend the conduct of the city of Paterson and the Commonwealth of New Jersey in this respect to my friend from West Virginia.

Mr. GOFF. I am happy to know that evidently the statements that have been spread broadcast over the land relative to the situation in New Jersey are not well founded; but it is utterly impossible to harmonize the statements that have just been made with the accounts that have been published in the journals. Again, if there is no strife in New Jersey, if there is no insurrection there, as a matter of course the governor of New Jersey properly and rightfully declined to issue a proclamation of martial law. There is, then, a difference between the present situation in New Jersey and the situation in West Virginia at the time martial law was declared. I have stated, and it seems I must repeat, that at that time thousands of men were carrying arms and marching for an avowed unlawful purpose that does not, it seems, exist in New Jersey, and I am delighted that it does not. Insurrection was rampant.

I am not saying who was wrong. I am not saying how that condition was brought about. I think both sides to the original controversy may have been at fault. But the situation existed, as I say. Would it not have been lovely under such circumstances for an officer of the law, we will say the sheriff of the county, to march down where two or three thousand people were in arms and try to arrest those people and take them to a court for trial?

It was the futility of that which caused the governor to issue this proclamation and to establish martial law. While the sheriff would be taking his prisoners down the 20 miles for trial, how many would he take—one, two, three, or a thousand?

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. The Senator from West Virginia has stated several times that he does not intend to go into the origin of this dispute. He takes the very lawyer-like position that he is now arguing the question with reference to the actual conditions that existed when this order of the governor was promulgated; and of that I make no complaint. But I do want to ask the Senator to enlighten us to this extent:

It appears that there were two armed bodies of men—I think the statement has been made that there were some two or three thousand men—divided into two hostile camps. One camp, we understand, was composed of strikers. Now, who constituted the other camp? How did it come into existence? Was it organized or unorganized? Were they citizens of the community or men who had been brought in there?

I should like to know these facts, because they have some bearing on whether or not there was war. Will the Senator kindly tell us?

Mr. GOFF. The Senator evidently was not present when the explanation was made about this matter; or, if he was, he does not recall it.

On one side of the camp or the field of disturbance were the strikers, and there were large numbers of them. There are a



great many mines in that locality. A great industry had been developed, and a great many men were laboring there. A great many men from all over the Nation had invested large sums of money there, and those men were banded together for the purpose of protecting their property, as men have done from the time that time began and as men will continue to do as long as time is. They were defending themselves, the civil law not being able to do it. Red-handed anarchy prevailed. I concede it. I never have dodged it in this discussion.

Mr. REED. The Senator is not quite as clear—

Mr. GOFF. I am not yet through answering the Senator's question.

Mr. REED. Very well; I will wait in patience, of course.

Mr. GOFF. I am not objecting at all to being interrogated, but I want to make a full statement while I am at it.

These men had protectors or guards for their mines. They were given to understand that their mines would be destroyed. In fact, some of the machinery—the tipples—was destroyed. Who was there to prevent it?

Senators, it is easy enough to talk about depriving people of liberty and making improper arrests. Are you to stand by your own home and let an infuriated desperado come to it with the avowed purpose of destroying it? There is not a man within the sound of my voice that would not, with his back to the wall in that way, shoot to kill anyone who so sought to destroy either his life or his property.

Then these men who had made those great investments and had their guards employed others. Some of them were called detectives; some of them were called mine guards. They were the men from the stores and the shops and the team drivers. They were men that were brought together in an exigency to save the locality, to save the property, to save human life. They did not so congregate for the love of the thing, or simply because they could, but it was to show opposition and resistance: "Stand back and behave yourselves! Stand back and let our property alone, or if you come, you come with bristling bayonets before you, ready to meet you!"

Those were the two camps. Those were the hostile legions that confronted each other and made the situation when the governor said: "What can I do? How can I stop this? How can I prevent the collision that looks inevitable—that will produce such carnage, suffering, and death? I can send no posse with the sheriff. I can not cause these men to be indicted. It is instantaneous; it is now; it is to-night; or it is death in the morning!" That was the situation.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield further to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. REED. If the Senator will pardon me, I want to say to the Senator that I am only seeking for light.

The Senator says that some of these men on one side were guards in the mines. I take it that he means guards regularly employed, ordinarily employed about the mines, in ordinary times. I want to ask the Senator this question in just this way, whether it is not a fact that a large number of the occupants of one of these camps were detectives, or men calling themselves detectives, and known as Baldwins, who were brought into the State of West Virginia from the outside, and armed, and gathered under the command of leaders?

I am asking that question to distinguish or get a line of demarcation, if possible, between the man who defended his own property, the man who called to his aid the citizens of the community, and the man who employed a hired constabulary of armed Hessians brought in for a specific purpose.

Mr. GOFF. If the Senator deems that material in an issue of this kind, I will restate it.

Mr. REED. I do.

Mr. GOFF. Did I not say that they were called detectives? Did I not say that they were guards at the mines? Did I not say that these people who were determined to protect their own property got aid and assistance here, there, and everywhere? They brought them into the field. I care not whether they be detectives or not. Is it a crime to be a detective?

Mr. REED. No; but most of them are criminals.

Mr. GOFF. That may be. That is a gratuity, though, that has no place in this discussion, in my judgment.

Mr. REED. But I beg for a more specific statement.

Mr. GOFF. Very well. In what particular?

Mr. REED. The question I asked was whether the majority of the men in one of these camps were not men of this detective organization, as distinguished from the owners of the mine, or the ordinary guards generally employed, and whether they were not nonresidents brought into the State of West Virginia?

Mr. GOFF. Some of them were detectives; some of them were Baldwin detectives, as I understand. There is no law that prohibits their employment in West Virginia. They were brought there for a purpose. The purpose was to defend property and to ascertain who it was that was organizing and continuing to organize and to incite insurrection. They knew, as we know to-day, that there is a power behind the screen that issues orders that bring about these disturbances.

Why, even since the discussion began in this Senate Chamber some one touched buttons and flashed over the land the message that the cause here was weak, with nothing to sustain this resolution but bare statements. "We have no affidavits; we have no full and frank statement from anyone upon which we can base our application to the Senate and demand an investigation." All along the line the wires went flashing, and the distinguished Senator from Indiana advised us gravely the next day, with his hands full of telegrams, "I have the information now."

It is all right, I suppose, for those gentlemen to get information and to use detectives in getting it—as they did use them there—but it is a crime and the employment of criminals when the men interested in that locality find it necessary to resort to the same thing.

Mr. REED. Mr. President, will the Senator yield to me further?

Mr. GOFF. Not just now; in a moment.

I have stated distinctly that the men on both sides were armed. I have never dodged it. I have never tried to evade it. I would not if I could, and I could not if I desired. It is a fact. It was the thing that made the situation desperate. Men, as I said a moment ago, are going to take the steps that are necessary and essential to protect themselves, to protect their property as well as their homes, if you wish to draw the distinction; and that was all. That was the situation that existed, a situation that I have maintained justified the governor in inaugurating martial law.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, I may have misunderstood the Senator. I understood him to say that the Senator from Indiana had employed detectives to get information.

Mr. GOFF. I did not; I did not. I can not understand how the Senator can intimate that he so understood me.

Mr. REED. That is pretty nearly equivalent to stating that I have made a wrong statement here willfully.

Mr. GOFF. No, sir; it means that you have not understood what I said.

Mr. REED. I understood the Senator, in discussing the question of somebody having touched buttons and sent out a cry for information, to say in the same sentence that detectives had been employed to get the information. I think if the Senator will examine his remarks in the transcript of the notes he will find that my construction was not a forced one. But I did not think the Senator meant to say that, and that is the reason I rose at the time to ask him. He requested me to wait, until now the words have grown cold. I am very glad to know that that was not his purpose; I am glad to know I was mistaken; but I hope the Senator will not intimate that I have deliberately misconstrued his words.

Mr. GOFF. I find myself required to repeat myself continually, not that I like to do so, but that in answering the queries propounded to me I must necessarily do it. What I meant, what I think I said, what I intended to say, was that there was flashed all over the land that this testimony was needed. I have made the point on the floor of the Senate that a favorable report from one of the great committees of this body had been made without a scintilla of evidence to support it, and I repeat it. It was a wonderful thing to do. I do not know, but I have no doubt but that the Senator from Indiana did send dispatches asking for help, because it would be perfectly natural that he should. He needed it, God knows.

What I meant to say about detectives I intended to confine to the men who were employed on both sides there in this strike zone, the one to eliminate the strike and prevent it if possible, and the other for the information that would enable them to defend themselves if defense became necessary.

I have been trying to get some statements from the New York journals into this case, but it seems like it is a very hard thing to do. I am going back to it now just for a little while—

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. GOFF. I do, with pleasure.

Mr. KERN. I understood the Senator from West Virginia to say a moment ago that he had no sort of doubt but that the Senator from Indiana sent out word to people in various parts of the country to send in messages of the kind that were read

here to the Senate, if I understood the Senator correctly. I think it is but proper I should say that I sent out no such message, nor did I have any thought of sending such a message.

Mr. GOFF. I simply said that if I had been in your place I would have done it; that is all.

Mr. KERN. The Senator from West Virginia seems to forget that the people of this country, even the working people, read the newspapers, and as soon as they learn in various parts of the country of the kind of opposition that was being urged to this resolution, as soon as they learned the sources of the opposition and the character of the opposition, the messages came by the hundred and by the thousand spontaneously, many of them from men who had themselves felt the heel of this despotism. Many of them came from men who had been driven out of West Virginia by the hired guards of the coal operators; still more came from the great humane element in this country that believes in fair play; still more came from a still greater element in this country, thank God, that believes in the supremacy of the civil law and the subversion of military law.

There was no need to ask for messages. They came, and they are coming yet. If the Senator listened this morning, he would have heard read an account of a meeting of 2,500 citizens of his own State held on yesterday afternoon in Wheeling, in which they expressed in forcible terms their opinion of this proposed investigation. He would have read, again, of the proceedings of an independent body of workmen in his own home city declaring in favor of this investigation. He would have read, if he had read the Record a day or two ago, where the representatives of 75,000 workmen of Texas demanded this investigation and 65,000 more in the State of Missouri. From my own State came hundreds of these messages.

Oh, no, the Senator from West Virginia is in error if he thinks it was necessary that anybody here need call for these expressions of the sentiment of people who felt outraged at this prostitution of the executive authority of West Virginia to place the civil law underneath the military law.

Mr. GOFF. Mr. President, we have the usual beautiful display of eloquent generalities. Now, who is taking issue with this wonderful method of stating propositions that no man controverts, except the statement the Senator made that the governor had illegally issued his martial-law proclamation? It is claimed always, as a matter of course, that the people in a locality who do not necessarily bow to the demand of labor are oppressing labor, that the community are up in arms against labor. It is not true. It is not true in that locality. The people over there are not in favor, the people over there were not in favor of the strike. They are not in favor of this investigation, not that they have anything to conceal. Everything has been published to the world. I have stated it here on this floor, and I have stated it in its worst aspect. I have regretted the conditions there, but does it follow that the people are acting outrageously, that the governor has perjured himself and is taking a course not authorized, and that somebody has been led out or driven out of the State? I do not know about that. How can I? If some one has been driven out, I take it the chances are nine out of ten that he was properly driven out. I do not know. I never heard of it. I do not doubt it. There are a great many who ought to have been driven out who were not.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. REED. The Senator is continually appealing to the law. By what process of law is a man banished from a State in this country?

Mr. GOFF. I think there are a great many Senators on this floor who know of instances in which, for their own good, people have been advised to disappear between sundown and sunup, and a good many of them who feel in their hearts that the safest thing for them to do is to get away before daylight.

Mr. REED. Mr. President, that is a plea in confession and avoidance, but a very sorry one. The Senator is standing here planting his argument, not upon the question of right and wrong, but upon the cold doctrine that under the law the governor had the right to do what he did and that there is no recourse. I am astonished to find a man who stands upon this rock of the law asserting the doctrine of mob law and mob rule and disregard of all law undertaking to sanction the unlawful acts of men who warn other citizens to leave the community upon peril of life. I have not been here long, but it is the first time I have ever heard the doctrine announced in this Chamber that it is proper that a body of superior force or a man of superior ferocity and desperation be permitted to say to a citizen that he must leave the State upon peril of life or limb. It is a strange doctrine, sir, to be announced by the lips of a man who is proclaiming himself the apostle of law and order.

Mr. GOFF. Mr. President, if the Senator will recall he will remember that I said there were people upon this floor, and probably a number of them, who knew just what such instances were that the Senator from Indiana alluded to, and that it was by methods of that kind, not the act of the governor and not the act of anyone representing him, that probably drove men out of the State. I did not say it was proper. I did not intimate it was proper. I simply said that those instances had taken place in the past, and they will take place yet.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. GOFF. I do.

Mr. GALLINGER. I would ask the Senator what he thinks the remedy is when men denounce the Constitution of the United States and carry through the streets the red flag of anarchy? What is to be done?

Mr. GOFF. Does the Senator state that as a problem for me to answer?

Mr. GALLINGER. Yes; and if the Senator will permit me, before answering it, I want to read two or three extracts, which are very brief, that appear in the morning papers.

Mr. Patrick Quinlan, the I. W. W. agitator, declared only a day or two ago:

We will win this strike or the city of Paterson will be wiped off the map.

And he continued:

Paterson is a very dangerous place to be in at the present time. We don't know what will break loose there at any minute. If we don't obey the law—

He admits they do not obey the law—

If we don't obey the law, it is because we are following the example set by the Paterson authorities themselves.

Mr. Frederick S. Boyd said:

We've got this strike won, and soon all of you will be back working. But next year we'll demand 25 per cent more than we're asking now, and the year after that 25 per cent more than that. And we'll insist on seven hours a day.

Mr. Haywood says:

We're not going to ask the bosses to give us eight hours; we're going to take it. And next year we'll take six hours.

I suppose the Senator from West Virginia noticed what happened in Cincinnati not long ago. I want to read just one very interesting thing that occurred there. What did these men do who are being championed so ferociously in certain quarters, and who find their advocates and defenders in the seats of the mighty?

While a riot that occurred at the Brighton barns this morning probably proved the most serious, yet one a little later at Fourth Avenue and Vine Street was the more spectacular. Small steel beams, barrels of plaster, and bags of cement were hurled upon a passing car from the upper floors of the 34-story building of the Union Central Life Insurance Co. \* \* \* The crew as well as the employees of the company riding on the first car out of the Brighton barns were assaulted and some of them are now at the hospital in a precarious condition.

It seems to me, Mr. President, that there may have been conditions in West Virginia, in view of what is happening in other parts of the country at the present moment, that justified the governor of West Virginia in resorting to any means that he could command to protect the lives and property of the people of that unfortunate community.

Mr. GOFF. I thank the Senator from New Hampshire.

Mr. REED. Mr. President, will the Senator from West Virginia permit me to ask the Senator from New Hampshire a question?

Mr. GOFF. You have my permission. The Senator from New Hampshire will speak for himself.

Mr. REED. I should like to ask the Senator from New Hampshire under what rules of evidence he thinks that the conditions in Paterson, N. J., are pertinent to the conditions at Paint Creek, in West Virginia?

Mr. GALLINGER. I am not talking about rules of evidence, Mr. President. I assume that the conditions are very similar, and I think if we had authorities in New Jersey that would put an end to the violence that exists there and the destruction of life and property, it would be well to have that authority invoked; just as I think when the mayor of Cincinnati appealed to the governor of Ohio, when the police force of the city of Cincinnati proved utterly inadequate to cope with the desperadoes who were destroying lives and property there, there ought to have been relief furnished by the governor of Ohio by sending militia to that great city. That is my judgment.

Mr. REED. Mr. President, the answer is so conclusive I will not pursue it further.

Mr. GALLINGER. The Senator can be as discourteous as he pleases; it does not affect me in the least.



Mr. REED. I would not be discourteous to the Senator for anything in the world, because I rise to say that if there is one man in the Senate whom I completely and absolutely reverence, it is the Senator from New Hampshire. I asked his opinion because I thought perhaps there was some mysterious law of general averages which had escaped my attention, which he could supply, by which he arrived at the conclusion that if there was violence in Paterson, N. J., it was conclusive evidence there was riot at Paint Creek.

Mr. GALLINGER. Mr. President, if the Senator from West Virginia will permit me, I have assumed that there was no question in the mind of any man who has read the newspapers or listened to the statements which have been made on this floor that there was violence at Paint Creek, in the State of West Virginia. I understand that the violence has ceased; that the strike is over; and we are now having a legislative post-mortem on things that occurred there some weeks ago.

Mr. CRAWFORD. Mr. President, I think that the Senator from West Virginia is entirely too generous in giving up his time here. Some of us are intensely interested in hearing the discussion and having it confined somewhere within the neighborhood of its real purposes. For about an hour he has been attempting to read an article from one of the New York newspapers. He has not been able to do it yet; I think the interruptions run so far from the mark that the rest of us have a right to protest.

Mr. GALLINGER. If the Senator from West Virginia will permit me, I have not taken any time in this discussion and very little time in other discussions during the present session. The Senator from West Virginia very courteously yielded to me, and I was within my rights and within the rules of the Senate in making the observations I did.

Mr. CRAWFORD. I want to say to the Senator from New Hampshire my reference was a general one; it had no more relation to his statement than it had to the general discussion which has carried us so far away from the speaker's purposes; and I hope the Senator will understand it.

Mr. GALLINGER. I think the Senator's suggestion is a correct one.

Mr. GOFF. I am going back now to the article which has been alluded to, that I have been prevented from reading because of the numerous inquiries that have been made of me. I have no objection to Senators asking me questions. I am apt, as are most men on their feet, to overlook points, to forget matters, and if anyone interested in the subject desires to suggest something for me to reply to and for their edification, I am willing always to acquiesce; but I do think there are some interruptions that have not been made at an auspicious time. However, if I should leave anything unsaid before I take my seat I shall be glad to have my attention called to it.

Last Friday, May 18, the New York Sun published what I am about to read. We may not all agree with newspaper publications or newspaper editorials, but in a great many instances they are well received, published at the right time, and have a most laudable purpose. I read one from the World. I think it a superb editorial. It will be flashed all over the land, not only by the wonderful circulation of that paper, but in other ways and through other papers, and I intend to give it the publicity that a statement in the Senate of the United States and the publication in the Record will give it, because its words are sound sense and it gives the warning that this country needs at this time. A serious state of affairs confronts us. I am just as fond of human liberty, justice, and the rights of citizenship as are any of the gentlemen on the other side, who have propounded the queries to me indicating that I am not. It is because I love justice, it is because I am in favor of the continuation of constitutional government, that I want the violators of law punished, I care not who they are, or where they come from, or what are their names, what locality they live in, or in what land God's sunshine first kissed their cheeks. If there are in this land citizens, or men intending to become citizens, who have complaints to make, they are entitled to be heard; they are entitled to the protection of their property; they are entitled to all the guards of the Constitution, as it is interpreted both in war and in peace. But when they take the law into their own hands, when they say to either capitalist, laborer, merchant, or lawyer, whoever he be, "You shall do this," and "You shall not do that," when they say, as I have understood they said, for I was not there at Paint Creek, "You shall not run this coal mine unless you run it as I advise you," they are in insurrection, and I would be ashamed of the governor of a State who would stand by and not exercise the power that is his.

Now, the other side. When men in those localities and over in Cincinnati to-day beg to be permitted to work, when men over in New Jersey—I know it is a danger zone for anyone here on this side to get into, but just the same I venture to put my foot

there, figuratively speaking—I say, when those men wish to work in any State or at any point and another man says to them, "You shall not," and incites an insurrection to carry out his threat, the governor who will not call for the power of the State, if civil courts are not able to keep the peace, is unworthy of the name of governor.

Back to editorial now. I read from the New York Sun:

#### INCITATION TO VIOLENCE.

Every thoughtful reader of the morning newspaper must to-day find cause for reflection and apprehension in the news from Paterson, N. J. After a fair trial Patrick Quinlan has been convicted of an offense against the peace and order of the State of New Jersey.

Mr. MARTINE of New Jersey. I should like to ask if that was by a court-martial?

Mr. GOFF. You did not address the President.

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. Not just now; after awhile.

Mr. MARTINE of New Jersey. Just a minute.

Mr. GOFF. I will never get this piece read if Senators keep on interrupting me.

After a fair trial Patrick Quinlan has been convicted of an offense against the peace and order of the State of New Jersey. The offense is aggravated by the fact that Quinlan is not a resident either of the city of Paterson or of New Jersey, and such incitation to violence as he has been adjudged guilty of represents the intervention of an alien in the domestic affairs of that State.

Notwithstanding this fact it is now proposed by the associates of Quinlan, speaking from a public platform, that unless the due processes of the law are suspended and Quinlan permitted to go unwhipped of justice the whole industrial life, the very existence of Paterson, is to be paralyzed by general strikes.

To gratify a spirit of revenge or assert the complete supremacy of the Industrial Workers of the World as an organization and the immunity of the individual members a great city is to be plunged in darkness. Thousands of women and children, thousands of honest and hard-working men are to be deprived of light, of water, of the opportunity to work and to earn a livelihood because the law is to be enforced in the case of Patrick Quinlan.

Could anarchy itself, with incidental bomb and routine riot, go further? This is neither the assertion of the dignity nor the right of labor. This is nothing less than a declaration of war upon all law, upon the whole power, work, and machinery of social and political existence. The members of the Industrial Workers of the World proclaim thus that for them there is no law. They reserve to themselves the right to incite to violence, and if society seeks to protect itself, then society must be punished by more violence.

It is perhaps pure accident that the news from Paterson falls in with dispatches from another New Jersey town which report the attack of armed rioters upon those charged with protecting the property of another corporation. But the relation of the incidents at Paterson and Wharton can not be mistaken. The right to destroy, to paralyze, to terrorize is asserted by workers at one place, by rioters at the other, but the principle at stake in each is unmistakable.

Can labor protect itself from this abuse? Can the honest and the industrious workman protect himself from the influence and the leadership of such men as Quinlan? Certainly there must be thousands of workmen in Paterson alone who stand aghast at the attempt of a few self-seeking and utterly selfish men to make use of the credulity and ignorance of the least intelligent of the working class to discredit the whole body while seeking their own discreditable ends.

I will not detain the Senate in reading any more of this editorial, but I have one that I want to read that was published in the Washington Post this morning. It is headed "The red flag at Paterson":

Organized outlawry's declaration of war to the bitter end at Paterson, N. J., with to-morrow fixed upon to usher in an industrial and political upheaval at that center of industry, ought to be met at the start by a counterstrike that would end the crisis. With the foes of our flag and our institutions rapidly forcing an issue of their own making, why longer temporize with the men who all along have boldly proclaimed their purpose ultimately to bring about just such conditions as now confront the authorities at Paterson?

The culmination of the socialist conspiracy probably has been reached sooner than expected. The leadership had not anticipated resistance so slight as was met at Lawrence, Salem, Schenectady, Passaic, Akron, Columbus, San Diego, and many other points where an aberration of public sentiment strengthened the hand of violence in forcing concessions. Strikes were ended before a hopeless deadlock could be contrived, and the lawless leadership sought a new field of activity. The West Virginia mine strike at one time had some of the features of an ideal situation, but martial law supplied a solution of that ugly problem, the processes and penalties of civil law having proved inadequate to deal with the machinations of the imported and more malignant type of disturbers.

The use of the more effective weapon against outlawry is decried by those Americans who have yet to comprehend that Americanism and socialism have nothing in common, and that their standards are so wholly incompatible that one or the other must give way. No people can pay homage to two flags any more than they can obey two masters, for it amounts to the same thing. Therefore the climax at Paterson, divested of incidentals, is resolved into the vital question whether the Stars and Stripes, the emblem of peace and order, or the red flag, the emblem of revolution, shall prevail.

If the New Jersey authorities are as alive as their West Virginia brethren to the old-fashioned doctrine that it is permissible to fight the devil with fire, the threat to call a general strike and wipe out Paterson, in an attempt to keep the leaders out of jail, will not carry far.

If the governor of Ohio and the governor of New Jersey would take a lesson from the governor of West Virginia concerning those regions where strife has prevailed and where insurrection in fact exists in those States and issue their martial-law orders, there would be peace in the great city in

the valley of the Ohio, as well as in that industrial center in New Jersey.

Appeal has been made in behalf of the striking workmen in West Virginia that they have been mistreated. That is a statement that has been repeatedly made and that I have a number of times alluded to. The name of "Mother Jones" has been brought into the controversy. Well, I have no fight with "Mother Jones." I am sorry that she feels aggrieved. If half the stories they tell about her in West Virginia in reference to this and other strikes there are true, she has certainly been—whatever else she may be; grand and good and a friend of the miners she may be—but she has certainly been inciting riot and urging insurrection. She does not deny it. She is the grandmother of them all; she takes pride in it; she is an expert; she is a good talker; she is effective in speaking to great audiences; naturally, she has influence with them. I do not know how it may be in your locality, but in mine for a man on the public hustings, or a woman either, to incite people to violence, to insurrection, is a crime; and anyone—man, woman, or child—who resorts to that is liable to arrest. Mother Jones was arrested. She certainly was. Neither does she deny that. She was tried, yes; she was convicted, doubtless—although she is here now looking down from the galleries, as she has a right to do; it is perfectly proper—but I see no reason why West Virginia should be criticized for that or why the other people taken in insurrection should be criticized for being politely requested to behave themselves and to attend to their own affairs.

That great section of West Virginia where this trouble existed is in peace to-day; the miners are back at work; most of the grievances that they had have been adjusted; it is all over. What do you want to stir it up again for? Why does our dear old "Mother Jones" want to stir it up again? Who is dissatisfied? The people who live there, the officers of that State, are going to make that section one of the greatest industrial developments in that or in any other State. God Almighty has provided that wonderful wealth, and it will be protected, and it will be saved for "Mother Jones" and for all the rest of the people there, whether strikers, rioters, or what not; it will be protected for that purpose; and I hope that she and others will go back and that she will live long years yet to enjoy the land that we are going to save for her.

There never would have been any of this disturbance there but for the conduct and the character of the men who have been alluded to in the editorials that I have quoted. They are the people who are always talking about human liberty, always talking about the rights of labor, but never intimating that the other people in the locality have any rights; always setting up, as has been done here to-day, these beautiful, glittering generalities about "the suffering people"; and yet if it were not for the people that I have described, if it were not for those who have systematically organized these controversies for the purpose of producing results that could not and would not have been brought about but for their sinister designs. These men who preach so grandly, who appear so pleasant in their arguments, who are upholding the rights and the dignity of labor, the men whom these editorials truthfully depict, who, while they talk so glibly, nevertheless represent a cause and advocate a principle not represented or advocated by honest labor—a cause that "like whitened sepulchers, seems outwardly fair, but that inwardly is full of dead men's bones."

I also have affidavits, telegrams, newspaper clippings, but I am not going to offer them; it is not necessary. It would simply add fuel to the flame; it would simply produce confusion in a locality where the dove of peace now is, and it would bring into the limelight and subject to persecution those who are now free from trouble. No good can come of it. If on the facts now before the Senate and the law applicable thereto the Senate concludes that it should resolve itself into a grand jury and send for witnesses I shall have nothing more to say. The only interest that I have, the deep interest that I have, the earnestness that I have, is for the good, the peace, and the happiness not only of my own State, but of all the States of the Union.

I want the Government at Washington to still live—and it will. I want the Constitution of our fathers to be still respected—and it will be. The people are tiring. Men who a short time since looked at least without alarm and rather indulgently on the situation that is found in a number of places to-day are now alarmed—are aroused. They are asking for peace—peace, quietly to be had, if possible; but peace at any cost. The governments of all lands are in trouble, and commotion prevails through all the world, which, it seems, is involved in confusion and strife. No other land is threatened more than

this, and still the men who live in all over-sea lands are turning their eyes hitherward.

The Government of the United States is the beacon light of civilization and the hope of all other peoples. It is a Nation built on suffering; it is a Nation founded by men who, fleeing from persecution, sought the then wilderness here and made it what it is to-day—the hope of the world, the pride of civilization. It is the Government had in mind by the barons when they struggled at Runnymede. It is the kind of Government for which John Hampden died; it is the Government that Sydney longed for; it is the Government that our ancestors strove for and laid the foundation of; it is the Government that the mothers of the Colonies, grand old mothers of Israel, gave all that they had to give, the children of their love, to help establish; it is the Government that Washington, Adams, Jefferson, and Madison helped to organize; the Government that the signers of the Declaration and the makers of the Constitution, the fathers of the Republic, established for us, those who now pass before us in phantom form; it is the Government that was saved to us not only by the courage of our soldiery, but by the will of a man. We are in no trouble with our military officials, nor have we ever been; we have had great generals, as great as any land or any era of time has ever produced, yet no one has ever intimated imperialism, ever thought of a dictatorship, or dreamed of a crown.

No one yet, governor or President, has ever attempted maliciously to override the law or to deprive men of their privileges, as has been intimated here may be done. To intimate that any danger might arise from the military forces of the Nation is a reflection upon the officers of the Army and the soldiery of the country. I want to say that the fame of the American soldier is a jewel of inestimable value to this Nation. I care not where that fame was won; I care not whether it was in the early history of the Colonies, or during the Revolution, or on the plains of Mexico—here, there, or anywhere—whether it was with the giant soldier of the century, Grant, when he seized the tiger of rebellion by the throat and strangled it in the jungles of the Wilderness; whether it was with Lee, wonderful chieftain, when he led his matchless legions over the Potomac and fought his last great battle at Gettysburg. It makes no difference. Was it with Sherman when he made his wonderful march to the sea, or was it with that brilliant genius of the war, Stonewall Jackson, or was it on other fields of heroic strife and sublime death? No difference. The fame they won we are all entitled to share in; it is our common heritage. They were not soldiers who usurped a place to which they were not entitled; they were not soldiers who played the despot or the dictator. When the war ended they all went back to their quiet avocations of peace, to the usual struggles of life. So it is we fear no usurpation and we have no dread of the establishment of a despotism, of the destruction of our liberties, of the death of our Republic.

I once stood before that wonderful man to whom I alluded a moment ago. I heard him speak of the dire condition that confronted him and the Nation. We must admit to-day that he did things which were then questioned, and which men on this side and on the other side of this Chamber said were not exactly constitutional, but he thought they were necessary. With Old Glory being trailed in the dust and an effort being made to float a new emblem in the land, with riot and insurrection rampant, he thought he could find a way in the Constitution to save the Nation. He did so; and there are but few, if any, who to-day say he erred. In that darkest hour of the country, dark also to me personally, he demonstrated the power of the Commander in Chief, the necessities of resorting to the usages of war. I lived south of Mason and Dixon's line; I was a Virginian born; I did not see the lines of my duty as some of my boyhood friends did, so I wore the blue, and it was my misfortune to be called a traitor to my State, because I was loyal to the flag of the Union. I have always maintained that I was right. When the vicissitudes of war threw me into a land that did not agree with me my situation was far from being comfortable. My home was for some time simply a prison cell. But the great man of whom I have been speaking, by the power of his great office, which he never failed to exercise, opened the doors of Libby and brought me home to freedom.

I stood before him and thanked him, and heard him tell of some of the incidents that had transpired since I had been sojourning in the Southland. I then learned from him lessons that deeply impressed me, that have always been with me. He was a wonderful man. He was a man among men; a martyr among martyrs; a statesman among statesmen; a hero among heroes; a President among Presidents; he was God's grandest gift of a man to men—Abraham Lincoln.



Mr. MARTINE of New Jersey. Mr. President, when this discussion began I thought it was with reference to the disturbances at Paint Creek, W. Va.; but by some strange alchemy, I hardly know what, it seems to have been transferred to New Jersey.

I feel that the Senator's advice regarding martial law and other methods of governing our strikes in New Jersey and Ohio is utterly gratuitous; and I say to the distinguished Senator from West Virginia that he need wear no crape for the Commonwealth of New Jersey. We are able to take care of ourselves and to allay the disturbances that may occur there.

The Senator, in his remarks, used the words "if I should put my foot in New Jersey," or "I will put my foot in New Jersey." I know he is incapable of a wrong, but should he put his foot, or both feet, in New Jersey, and by the sheerest accident commit a wrong against the laws of our Commonwealth, I will guarantee to him at least not a trial by court-martial but a trial by a jury of his peers in that Commonwealth.

The Senator refers to the men who consulted with, who discussed with, and who may have urged upon the strikers of West Virginia their wrongs, as being not coworkers but outsiders. I ask in all fairness and reason, Mr. President, what were the other men, the so-called defenders? Were they outsiders or were they insiders? They certainly were outsiders in the strictest sense of the term. They had no claim to a right there; they were worse than outsiders. They were a band of adventurers, a band of blacklegs, and, as a rule, ex-convicts, who sought to shoot down for pay, for money, the miners in West Virginia.

I realize the discomforts that the Senator from West Virginia has on his hands, and, God knows, I sympathize with him. If his State were contiguous territory I would make a proposition to annex it to New Jersey, and give you an opportunity to know what real constitutional law and constitutional blessings might be. There is only one thing that would stick in my crop about annexing West Virginia, and that is its lawless and unconstitutional origin.

Mr. THOMPSON. Mr. President, I have listened with much interest to the able legal argument presented by the learned ex-judge, the distinguished junior Senator from West Virginia.

But, in my judgment, there is something more vital at issue here than is involved in a discussion of the legal aspect of the case, as presented by the Senator. One is reminded of the advice of the professor of law to his students, when he said: "When you think the law is on your side, talk the law, and when you think the facts are on your side, talk the facts."

While I do not concede the correctness of the legal position of the learned Senator, he has largely evaded a statement of the facts and conditions as they existed in the State of West Virginia. It is not simply a question as to whether or not martial law was legally declared in the State of West Virginia by the governor of that State, but the vital question which demands our investigation, and which I believe we have a right to investigate, is, What was done—what wrongful acts, if any, were committed under the administration of the martial law, as declared in that State?

This resolution should be passed in the interest of the people generally, and in the interest of the people of West Virginia in particular. Many people throughout this land are demanding the investigation. Like the Senator from Indiana [Mr. KERN], I have numerous telegrams and letters demanding that an investigation be made, and asking that I support the resolution. I presume most of the Senators have similar requests. The matter, therefore, has attained national importance; and the Nation, through the Senate, is required to act.

It is charged that sacred constitutional rights of American citizens have been or were denied in a section of the State of West Virginia. The citizens of West Virginia are also citizens of the United States, and are entitled to the fullest protection of all the laws of the land. Gross outrages of oppression pressed to the very extreme, resulting in some instances even in murder and manslaughter and indignities and iniquities equaled only by the lawlessness in Mexico, are reported to have occurred in this territory. It is said that so common were these occurrences that human life was really worthless in that military zone.

If these charges are true, there is a remedy, and other remedies will appear. If they are not true, the people of West Virginia more than any other people in the land should be interested in establishing that fact. The case has gone too far to be dismissed by simply filing a general denial or to be determined by the decision of a court on some abstract question of law applied to an entirely different state of facts.

When the Constitution of the United States was framed, Patrick Henry argued for 24 long days to have contained within that document the provisions of the Bill of Rights. Many of

the leading men of that day argued that this was unnecessary; that they were contemplated by and included in the general terms of the Constitution. But Henry argued and insisted that they should be enumerated; and after this long struggle it resulted in including those vital principles in the 10 amendments commonly referred to as the "Bill of Rights." Experience has taught us that Henry was right in demanding that these vital principles should be included within the document itself, that they might be understood by every citizen, lawyer and layman alike, and that they might not be misconstrued by any court.

Article 6 of these amendments provides that one accused of crime shall have the right to a speedy and public trial by a jury, fair and impartial, from the district in which the crime is alleged to have been committed, and that he shall be advised of the charge against him and the full character and nature of it, and shall be confronted by the witnesses who testify against him.

Mr. President, the safety and perpetuity of our Government rests largely upon this provision. It is such principles, forming the very foundation upon which the governmental structure rests, that are involved here. It matters not about the politics of the people who claim to have been wronged by a violation of their constitutional rights, nor that they may be poor and common laborers, pitted against wealthy and more fortunate employers. The Constitution is no respecter of persons. If they are poor and helpless, this fact makes it all the more important that the Government should lend its strong arms in protecting them in their distress.

All honest labor is honorable. We often give too much credit to the general in the Army, instead of to the rank and file. While the general is entitled to great consideration for his ability to plan and to carry his plans into execution, without the rank and file his efforts would be fruitless. Both are entitled to equal credit for the success of any battle.

So it is with the business affairs of life. The manager of a railroad or of a mining or other industrial enterprise is entitled to credit for his ability to organize and to carry forward the work. But the common laborer, the trackman, the fireman, and the engineer should not be overlooked; for if each performs with efficiency his individual task all are entitled to equal credit for the final success of the enterprise.

These poor, common laborers—miners, as they have been referred to—go down into the ground on their hands and knees and bring to the surface and lay at the feet of their employers wealth that gives to them pleasure and prosperity. These common laborers are also entitled to the equal and full protection of the law with their employers, which this resolution seeks to give.

This investigation certainly can do no harm, and it may result in the greatest good. I hope the resolution will pass.

Mr. WORKS. Mr. President, before submitting a few remarks on this question I desire to offer an amendment to the resolution, and ask to have it read.

The VICE PRESIDENT. The Senator from California presents an amendment to the pending resolution which will be read by the Secretary.

The SECRETARY. It is proposed to amend the pending resolution by striking out the portion of it commencing with line 22, on page 3, and extending down to and including line 10, on page 4, and inserting in lieu thereof the following:

The conditions under which employees in the mines are required to work, wages paid, hours of labor, kind of contract under which labor is performed, the system of lighting, ventilation, and sanitation employed in such mines, and the efficiency thereof, and any other facts affecting the interest and well-being of such employees.

Mr. KENYON. Mr. President, I should like to ask where that is to be inserted.

Mr. WORKS. It commences with line 22, on page 3, and extends to line 10, on page 4.

Mr. President, we have spent a good many days here in discussing the power and jurisdiction of the governor of West Virginia in dealing with this question. The resolution invites just that kind of discussion, and, in my judgment, it falls far short of calling for such an investigation as ought to be made in a case of this kind.

Let me call attention, briefly, to the effect of the resolution as it is now before the Senate. The committee is directed to ascertain—

First. Whether or not any system of peonage is maintained in said coal fields.

Second. Whether or not access to post offices is prevented; and if so, by whom.

Third. Whether or not the immigration laws of this country are being violated in the West Virginia coal fields; and if so, by whom.

Fourth. If any or all of those conditions exist, the causes leading up to such conditions.

Fifth. Whether or not the Commissioner of Labor or any other official or officials of the Government can be of service in adjusting such strike.

Mr. KERN. That has been stricken out.

Mr. WORKS. Very well.

Sixth. Whether or not parties are being convicted and punished in violation of the Constitution and laws of the United States.

It has been said by the junior Senator from West Virginia [Mr. Goff] that as to the first two of these facts that are to be ascertained by the committee, they have been thoroughly investigated by the proper governmental authorities. But whether that be so or not, Mr. President, I myself am much more interested in going back behind this strike and ascertaining, if we can, what causes led up to it.

We do not need any investigation to determine what the governor of the State has done. The facts respecting that matter have been broadly admitted here. The order that he made is before the Senate. The proceedings that took place under that order have been admitted on both sides. There is no question at all about it. There is no necessity for any investigation to ascertain the facts with respect to that particular matter.

Whether or not the order that was issued by the governor of West Virginia declaring martial law was in violation of the Constitution of the United States is a pure question of law that arises upon the face of the order itself. It is not necessary to investigate that question, and if the Senate of the United States desires to declare itself upon that question it has before it every fact necessary to bring about that result.

Whether or not access to post offices is prevented, and, if so, by whom, is a matter that might very properly be investigated; but it could be done under the general provision that I am seeking to insert in this resolution.

My objection to the resolution of the Senator from Indiana is that it is not broad enough; that it does not cover what ought to be reached in an investigation of this sort; in other words, that it limits it to certain specific things that, in my judgment, really need no investigation at all. As I have said, we have before us every fact that will enable us to act intelligently upon those questions without going to the expense of an investigation.

So far as I am individually concerned, I am greatly interested in determining just how these mines are operated in the State of West Virginia. I want to know what ground of complaint the employees in these mines have. I want to know whether they are being properly treated, whether the mines are being ventilated and lighted as they should be, whether proper sanitary conditions are maintained, and the kind of contracts that have been made by which these men are bound to their work.

For that reason I have submitted this amendment; and to show the interest that I have in this question I call the attention of the Senate to a bill that was introduced by me at the present session of Congress providing for the inspection and regulation of coal mines. That bill went to the Committee on Mines and Mining. These same coal operators in the State of West Virginia gave notice that they desired to be heard before any bill of this kind should be passed. I desire that the bill may be read, Mr. President.

The VICE PRESIDENT. If there be no objection, the Secretary will read the bill.

The SECRETARY. Senate bill 593, Sixty-third Congress, first session, introduced by Senator WORKS April 9, 1913:

A bill (S. 593) providing for the inspection and regulation of coal mines.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, empowered, and directed to make and enforce such rules, regulations, and requirements for the management, control, and operation of all coal mines and mining companies engaged in producing, mining, or extracting coal in the Territories or possessions of the United States, or in any State, to be transported to, used, or sold in more than one State, as are or may be necessary for the protection, preservation, and conservation of the lives and health of persons employed in or about any such mines or mining property, and to determine what safety devices and appliances are necessary and proper to be used for such purposes, and to enforce and compel their use in and about such mines.

SEC. 2. That the said Secretary shall from time to time ascertain and determine what are the most modern methods of managing, operating, and ventilating mines, and the most approved and efficient devices and safety appliances for the proper management of such mines, and for the preservation, protection, and conservation of the bodies, lives, and health of mine workers and employees, and compel the use of such safety devices and appliances in such mines.

SEC. 3. That the said Secretary may cooperate and act in conjunction with any State mining bureau or commission, or other body or officer authorized to act in the matter of governing or regulating the operation of mines in such State, in furtherance of the objects and purposes of this act.

SEC. 4. That in the performance of his duties as provided in this act the said Secretary is authorized and empowered to enter into and examine such mines, at such times as he may desire, either in person

or by any officer or employee in his department, and to inspect and examine such mines and determine whether they are complying with the rules, regulations, and orders made by him respecting the operation and management thereof, and to ascertain what changes of operation or management are necessary to insure the better safety of the employees in and about such mines; and the owners or lessees of such mines or mining properties and their officers and agents shall permit such entry upon and inspection and investigation of the condition of the mine, and shall afford every facility therefor. Any such owner or lessee, or his employee, agent, or officer thereof, who shall refuse or prevent any such entry, examination, or investigation, or fail or refuse to afford proper facilities therefor, shall be guilty of a misdemeanor and be punished by a fine of not less than \$100 nor more than \$5,000, to which may be added imprisonment for not exceeding six months.

SEC. 5. That when the said Secretary shall make any order respecting the management or operation of any mine or the use or disuse of any device, apparatus, or appliance in the operation thereof, the owner or lessee of such mine shall comply with such order within a time to be fixed by said Secretary. If such owner or lessee of any such mine, or any officer or agent of such owner or lessee, shall fail or refuse to comply with any such order he shall be guilty of a misdemeanor and be fined not less than \$100 nor more than \$5,000, to which may be added imprisonment for not exceeding six months, and each day that he shall so fail or refuse shall be a separate offense, and the said Secretary may, in his discretion, require that such mine be closed and not operated until such order is complied with, and may enforce such requirement by proper legal proceeding if not complied with.

SEC. 6. That the said Secretary may employ such expert or other help as may be necessary to carry this act into effect, the expense thereof to be paid out of moneys appropriated for that purpose, as herein provided.

SEC. 7. That the said Secretary shall have power to employ, during his pleasure, such officers, experts, engineers, statisticians, inspectors, clerks, and employees as may be necessary to enable him to perform promptly and efficiently the duties imposed upon him by this act, to be paid out of funds to be appropriated for that purpose.

SEC. 8. That a sum sufficient to carry out the provisions of this act is hereby appropriated, not exceeding the sum of \$50,000.

Mr. WORKS. Mr. President, I hope that, having brought this bill to the attention of the Senate, it may at an early day receive consideration at the hands of the Committee on Mines and Mining. We have for several days practically had the State of West Virginia and its courts on trial. It is a serious undertaking on the part of the Senate of the United States. There is, to my mind, a very serious question as to its propriety. The State of West Virginia and its officers are responsible for what has been done in that State. I have no doubt but that the governor has the right to declare martial law. My good friend, the Senator from Idaho [Mr. BORAH], when I made that statement the other day, said that that simply meant the destruction of free government.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. If the Senator from California will look at the Record, he will see that the Senator from Idaho did not take issue with the proposition that the governor had the right to declare martial law. I took issue with the proposition that after he declared martial law there was no limit to his authority.

Mr. WORKS. Then the Senator from Idaho entirely misunderstood what I said with respect to it. His rather sensational and startling statement with respect to the effect of that sort of authority being vested in the governor of a State was without foundation. If the governor of the State of West Virginia, in whom that power is vested, has been guilty of malfeasance in office, he is responsible, just like any other officer. The power to do just that thing in protecting life and property within a State must be vested somewhere, and in whom better than in the governor of the State? What right has the Senate of the United States to question the authority of the governor of a State within his jurisdiction?

I am free to confess that, in my judgment, the governor of West Virginia went beyond his authority in the order that he promulgated. He undertook in that order to determine the jurisdiction of the commissioners appointed by him. I think he had no such authority, and so far as that portion of the order is concerned I should regard it as a nullity. When the military court was established the law fixed its jurisdiction and its powers, and the governor could not by a proclamation issued by him extend or limit that authority.

But as I said in the beginning, Mr. President, my judgment is that it is a good deal more important, in the interest of this country of ours, and a great deal more important to the laboring men of this country, that we should inquire into the causes which have brought about these disturbances, not only in the State of West Virginia but elsewhere. We must get back of the mere conduct of the courts of West Virginia or its governor and ascertain what are the real conditions in the State of West Virginia if we are going to act intelligently and accomplish results.

That is what I shall be glad to see done under this resolution, and for that reason I have offered this amendment. It gives the committee the power to go back of the strike to ascertain not only before but after and at the present time what the conditions are which are prevailing in those mines.



There must have been something that was unjust that brought about a strike of that kind. Men do not generally go to extremes like that without some kind of a just provocation. Therefore what I want to know is what it was that brought this contention, the insurrection, the strike, and the bloodshed that followed it.

I understand, Mr. President, it is understood that this resolution shall go to the Committee on Education and Labor; and I ask, if that be so, that the amendment I have proposed be also referred to that committee for its consideration. I do not want now to take up the time of the Senate, as that agreement seems to have been reached.

Mr. KERN. It is the understanding that the resolution with the amendments offered may be referred to the Committee on Education and Labor. It is also the understanding that that committee is to report out the resolution in a few days.

Mr. WORKS. I ask the Senator from Indiana if the amendment I have offered can be referred with the resolution?

Mr. KERN. Certainly.

Mr. BORAH. Mr. President, I had intended to submit some further remarks upon the resolution, but in view of the statement which has just been made by the Senator from Indiana that it will go to the committee I shall not ask the indulgence of the Senate to discuss it until it comes out of committee, and perhaps not at all. That will depend upon how it comes out and what course it takes after it comes out.

The VICE PRESIDENT. The question is on the motion of the senior Senator from West Virginia [Mr. CHILTON] to refer the resolution and the amendments to the Committee on Education and Labor.

Mr. KERN. That includes the resolution and its amendments.

The VICE PRESIDENT. It includes the resolution and the amendments. The question is on the motion of the Senator from West Virginia to refer.

The motion was agreed to.

Mr. KERN. I move that the Senate adjourn.

Mr. REED. Is any time fixed in the motion?

The VICE PRESIDENT. The regular hour is 12 o'clock.

Mr. REED. To-morrow?

The VICE PRESIDENT. To-morrow. The Senator from Indiana moves that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 20, 1913, at 12 o'clock m.

## SENATE.

TUESDAY, May 20, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

### THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. GALLINGER. Mr. President, I think there ought to be a quorum present to hear the Journal read, and I make the point that there is no quorum here.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Smoot
Bacon	Hollis	Overman	Stephenson
Bankhead	Hughes	Page	Stone
Bradley	Jackson	Penrose	Sutherland
Brady	James	Perkins	Swanson
Bristow	Johnson, Me.	Pomerene	Thomas
Burton	Johnston, Ala.	Ransdell	Thompson
Catron	Jones	Reed	Thornton
Clark, Wyo.	Kenyon	Root	Tillman
Clarke, Ark.	Kern	Saulsbury	Townsend
Colt	La Follette	Sheppard	Vardaman
Crawford	Lea	Sherman	Walsh
Cummins	Lippitt	Shields	Warren
Dillingham	Lodge	Shively	Weeks
Fall	McLean	Simmons	Williams
Fletcher	Martin, Va.	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Goff	Nelson	Smith, Mich.	

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is unable to be present on account of illness.

The VICE PRESIDENT. Seventy Senators having responded to the roll call, a quorum is present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary read the Journal of yesterday's proceedings.

Mr. CLARK of Wyoming. In noticing the Journal as read by the Secretary there seems to be an inaccuracy in stating the title of Senate bill 60, which was reported by myself from the Committee on Public Lands. It appears in the Journal as a bill "to provide for agricultural entry of coal lands." The bill really is one "to provide for agricultural entry of oil lands."

The VICE PRESIDENT. The Journal will be corrected, and if there are no more corrections the Journal will stand approved as read and corrected.

### GOVERNMENT EXPRESSAGE ON LAND-GRANT RAILROADS.

Mr. CRAWFORD. Mr. President, I discover from the RECORD that on yesterday the Vice President laid before the Senate a communication from the Secretary of the Treasury transmitting a report in response to resolution 49, which I introduced some time ago, and that the report was referred to the Committee on Public Lands and ordered to be printed. I did not know until I saw the RECORD that the report had come to the Senate.

I desire very much, having introduced the resolution and given some consideration to the subject, to have the report lie on the table until I can examine it. I ask unanimous consent that it be recalled from the Committee on Public Lands and that it lie on the table for the present.

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent to withdraw the report from the Committee on Public Lands and to have the same lie on the table until he can examine it.

Mr. CRAWFORD. I am not objecting to its going to that committee at the proper time, but I should like to have an opportunity to examine it.

Mr. SMOOT. What report is it, I will ask the Senator?

Mr. CRAWFORD. It relates to the charge of express companies for the transportation of property of the United States over lines of railway companies which received grants of land from the Government. I offered the resolution some time ago and it was passed by the Senate, and this is the response to it, which I have not had an opportunity to see.

Mr. SMOOT. I understand that the report was referred to the Committee on Public Lands, and the Senator wants to have it lie on the table for the present.

Mr. CRAWFORD. That is all; to let it lie on the table.

Mr. SMOOT. Very well.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the report will be withdrawn from the Committee on Public Lands and it will lie on the table for further action.

### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 4234. An act providing certain legislation for the Panama-California Exposition, to be held in San Diego, Cal., during the year 1915;

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913; and

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education.

### PETITIONS AND MEMORIALS.

Mr. LIPPITT. I have two protests signed by 350 overseers and voting operatives in the Lorraine Mills, of Westerly, R. I. I ask that the memorials be referred to the Committee on Finance and that the body of one of them be printed in the RECORD.

There being no objection, the memorials were referred to the Committee on Finance, and the body of one of them was ordered to be printed in the RECORD, as follows:

#### TARIFF PROTEST.

To Members of the House and Senate assembled in Congress at Washington:

GENTLEMEN: The undersigned, overseers and voting operatives in the Lorraine Mills, of Westerly, R. I., employing 350 hands in normal times, hereby protest most earnestly against the wool and cotton schedules in the pending tariff bill and ask your honorable body to increase the rates of duty applying to raw material, yarns, and cloth, so that we may maintain our present wage scale in competition with foreign manufacturers of textiles.

Mr. CUMMINS presented petitions of sundry citizens of Cedar Rapids, Des Moines, Spirit Lake, Le Mars, Lewis, Essex, Muscatine, Lime Springs, Marshalltown, Fort Dodge, Boone, Malcom, Newton, Centerville, Bradgate, Lansing, Waterloo, Burlington, Turin, Fort Madison, Mason City, Ottumwa, Clear Lake, Oelwein, Dubuque, Luverne, Webster City, Estherville, Davenport, Sioux City, Newell, Cresco, Winterset, Churchville, Elgin, Ames, Denison, Sutherland, Slater, Keokuk, Chariton, Clinton, Dyersville, and Hartley, all in the State of Iowa, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.